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 Warrant of commitment, in cases of transportation or hard labour, Articles 150, 151.  
 " for imprisonment of Native followers, Article 166.  
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 " power to issue, Part III, clause (h).  
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 Warrant Officers, Articles apply to, Part I, clause (d).  
 " attestation of, Article 2.  
 " behaving unbecomingly, Article 25.  
 " not triable by Summary Court Martial, Article 92.

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 " dismissal of persons below rank of, Article 132.  
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WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
 for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th March 1869, and is hereby promulgated for general information:—

Act No. VI of 1869.

*An Act to amend the Law relating to the Emigration of Native Labourers.*

WHEREAS it is expedient to amend the law relating to the emigration of Native Labourers; It is hereby enacted as follows:—

1. The probable length of the voyage from Madras to Reunion, Mauritius, or Seychelles shall, notwithstanding anything contained in Act No. XLVI of 1860 (*to authorize and regulate the emigration of Native Labourers to the French Colonies*) or Act No. XIII of 1864 (*to consolidate and amend the law relating to the emigration of Native Labourers*), section eight, be deemed to be, between the months of November and March inclusive, six weeks.

2. For section 24 of the said Act No. XIII of 1864 the following shall be substituted:—

"24. The protector of emigrants at each of the three ports aforesaid and the British consular agent at each of the French Ports in India, shall license so many fit persons as shall to him seem necessary to be recruiters of labourers, and no person shall act or be employed as a recruiter of labourers except under a license from such protector of emigrants or British consular agent."

3. For section 31 of the said Act No. XIII of 1864 the following shall be substituted:—

"31. For the registration of every emigrant, the recruiter shall pay to the Magistrate a fee of one rupee. On proof of the desertion of any emigrant before embarkation, the fee paid in respect of such emigrant may be refunded by the Magistrate to the recruiter by whom it was paid, under such rules as shall from time to time be made in that behalf by the Governor General of India in Council."

4. Notwithstanding anything contained in the same Act, section forty-five, places west of Cape. the Local Government may, in cases of emergency, permit emigrants for any place west of the Cape of Good Hope to leave the port of Calcutta between the thirty-first day of July and the first day of April.

5. Notwithstanding anything contained in the same Act, section forty-seven, Increase of space allowed to adult emigrants. no compartment in an emigrant ship shall take more than one adult emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who shall have completed two and shall not have completed ten years of age for every eight superficial feet on deck.

6. Whenever the Governor General of India in Council or the Local Government has reason to believe that in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

or that proper measures have not been taken for the protection of emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage,

the said Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local *Gazette* (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Local Government under this section may be cancelled by order of the said Governor General in Council.

7. Notwithstanding anything contained in the said Act No. XIII of 1864, Power to relax rule as to proportion of women. section sixty-three, or in any rules made or to be made by the Governor General of India in Council pursuant thereto, the Local

Government may, in cases of emergency, permit any vessel carrying emigrants to leave the port of Calcutta, although the proportion of women embarked on board such vessel is not in accordance with the said rules.

8. The second clause of section three of the "Magistrate of the same Act is hereby repealed, District." and the phrases "Magistrate of such District" and "Magistrate of the District", wherever they occur in such Act, shall be held to mean any officer exercising in such District the full powers of a Magistrate.

9. The Governor General of India in Council may, from time to time, by notification in the *Gazette of India*, increase any fee payable under section nineteen, twenty-seven and thirty-four of the Act No. XIII of 1864, and may also in like manner reduce to its present amount any fee so increased: Provided that no fee shall be increased under this section by more than double such amount.

10. Sections fifty-five, fifty-six, fifty-seven and eighty of the said Act of 1864, sections 55, 56, No. XIII of 1864, are hereby repealed.

11. All persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

This section shall come into operation at once: section 2 shall be deemed to have come into operation on the eighteenth day of March 1864; and the rest of this Act shall come into operation on the first day of May 1869.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.*

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 26th February 1869, and was referred to a Select Committee with instructions to make their report thereon in a week:—

No. 3 OF 1869.

*A Bill to give validity to certain Rules relating to Forests in British Burma.*

WHEREAS certain Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865, were framed under Act No. VII of 1865 (to give effect to Rules for the management and preservation of Government Forests), and were confirmed by the Governor General of India in Council and published in the *Gazette of India*, dated the twelfth day of August 1865; and whereas certain of the said Rules relate to timber not the produce of such forests, and it is expedient to validate such Rules and to indemnify the officers and

other persons who have acted under them; It is hereby enacted as follows:—

1. The Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865 shall, from the said second day of August 1865 down to the passing of this Act, be deemed to have had the force of law as regards all timber to which they relate, and shall continue in force until the said Governor General in Council shall otherwise order.

2. All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.*

#### CORRIGENDA.

In Act IV of 1869 (the Divorce Act) published in the *Gazette of India* of the 27th February 1869—

Section 4, line 8, for "maintained" read "contained"

In Act V of 1869 (Articles of War Act) published in the *Gazette of India* of the 27th February 1869—

Article 19, line 4, for "ammunition, intentionally" read "ammunition, or intentionally"

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.*

#### HOME DEPARTMENT.

##### NOTIFICATIONS.

Public.

*Fort William, the 4th March 1869.*

No. 1190.

The ~~estimated~~ gentlemen have been Dr. F. J. Mouat, Record Commission:—  
Mr. W. M. South  
" C. Girdlestone, c. s.  
" R. Taylor, c. s.

s.

Judicial.

*The 2nd March.*

No. March 1869.

His Excellency the Right Hon'ble the Viceroy and Governor General in Council is pleased, under Section 1 of Act XXIV of 1863, to invest the



under-mentioned Court in British Burmah, being a Court of the 3rd Grade as described in Section 2 of Act I of 1863, with power to receive and take cognizance of all suits arising within its jurisdiction, which, under Act I of 1863, Section 9, would be instituted in a Court of a lower grade:—

*Tenasserim Division.*

The Court of the Assistant Commissioner at Amherst, in the District of Amherst.

*The 4th March 1869.*

No. 350.

Captain H. de Lousada, Officiating 1st Assistant to the Superintendent of Coorg, is invested with the powers of a Magistrate described in Section 22 of Act XXV of 1861.

**Ecclesiastical.**

*The 5th March 1869.*

No. 96.

The Reverend Albert Eschelbach, appointed a Junior Chaplain on the Bengal Establishment, reported his arrival on the 22nd ultimo.

E. C. BAYLEY,  
*Secy. to the Govt. of India.*

**FOREIGN DEPARTMENT.**

**NOTIFICATIONS.**

**Military.**

*Fort William, the 4th March 1869.*

No. 50.

APPOINTMENT.—Lieutenant C. E. W. <sup>15</sup>eler, of Her Majesty's 95th Regiment, a candidate for the Staff Corps, to officiate as Doing-duty Officer with the Bhopal Battalion on probation.

No. 52.

PROMOTION.—Subadar Bundoo Ram, of the Deolee Irregular Force, is promoted to the rank of Subadar Major, *vice* Subadar Major Mahasee Lall, transferred to the Pension Establishment.

**Political.**

*The 4th March 1869.*

No. 306.

Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Stewart Hall as Consular Agent for the United States of America at Coconada.

**General.**

*The 3rd March 1869.*

No. 416.

APPOINTMENT.—Major J. Puckle, a Deputy Superintendent of the 2nd Grade in the Mysore

Commission, to act as a Deputy Superintendent of the 1st Grade, *vice* Major H. M. Elliott, proceeded on furlough to England, with effect from 8th January, the date on which he assumed charge of the Bangalore District.

No. 418.

His Excellency the Viceroy and Governor General in Council is pleased to sanction the following changes in the Commission of the Central Provinces:—

Major J. Lloyd, Extra Assistant Commissioner, 4th Class, to be Officiating Extra Assistant Commissioner.

Mr. F. Prior, Officiating Extra Assistant Commissioner, to be an Extra Assistant Commissioner of the 4th Class, *vice* Mr. J. Lloyd.

No. 420.

Colonel H. D. Daly, c. b., Officiating Political Agent at Gwalior, is appointed to officiate as Agent to the Governor General for Central India during the absence on furlough of Lieutenant Colonel R. J. Meade, c. s. l., or until further orders.

No. 422.

Colonel S. J. Browne, c. b., v. c., appointed in Notification, dated 24th ultimo, No. 41, to officiate as Commandant of the Central India Horse, will also officiate as Political Agent, Western Malwa.

No. 424.

PROMOTIONS.—His Excellency the Viceroy and Governor General in Council is pleased to sanction the following temporary promotions in the Commission of the Hyderabad Assigned Districts, in consequence of the departure on furlough of Lieutenant R. Bullock, Assistant Commissioner of the 1st Class:—

Captain C. T. O. Mayne, Assistant Commissioner of the 2nd Class, to officiate as Assistant Commissioner of the 1st Class.

Lieutenant F. W. Grant, Assistant Commissioner of the 3rd Class, to officiate as Assistant Commissioner of the 2nd Class.

*The 4th March 1869.*

No. 427.

APPOINTMENTS.—Lieutenant A. F. Dobbs, Officiating Judicial Superintendent of Railways in His Highness the Nizam's dominions, is confirmed in that appointment, *vice* Major O. Morgan, who vacates the appointment on account of the extension of his leave beyond the period of two years.

No. 429.

His Excellency the Viceroy and Governor General in Council is pleased to sanction the following appointments in the Oudh Commission to fill up existing vacancies, with effect from the 1st instant:—

*To be a Commissioner.*

Mr. Charles Currie.



*To be Officiating Commissioners.*

Captain E. Thompson.  
Mr. P. Carnegie.

No. 431.

The under-mentioned Officers of the British Burmah Commission have passed the prescribed examination in Indian History, Political Economy, and Jurisprudence:—

Lieutenant M. Furlong	...	} Assistant Commissioners of the 3rd Grade.
" R. C. Evanson	...	
" M. C. Poole	...	

No. 433.

The under-mentioned Officer has passed the prescribed examination in Burmese for Junior Officers in the British Burmah Commission:—

*By the Lower Standard.*

Ensign James Butler, Officiating Assistant Commissioner of the 3rd Grade.

No. 435.

LEAVE.—Mr. A. M. Russell, of the Revenue Settlement Department in British Burmah, is granted leave of absence to Europe on private affairs for six months, with the usual preparatory leave, from the date on which he may avail himself of it.

No. 437.

LEAVE.—Major C. P. Hildebrand, Deputy Commissioner of the 3rd Grade, and officiating as Deputy Commissioner in the 2nd Grade in the British Burmah Commission, has been granted the usual leave of absence to enable him to proceed from Myanong to Rangoon preparatory to applying for furlough to Europe.

W. S. SETON-KARE,  
*Secy. to the Govt. of India.*

**FINANCIAL DEPARTMENT.****NOTIFICATIONS.***Fort William, the 2nd March 1869.*

No. 1407.

The following despatch from the Right Hon'ble the Secretary of State for India is published for general information:—

FINANCIAL. INDIA OFFICE;  
No. 48. *London, the 26th January 1869.*  
*His Excellency the Right Hon'ble the Governor General of India in Council.*

MY LORD,—I have considered in Council your letter dated 24th November 1868, No. 309, forwarding, with the expression of your concurrence, a recommendation from the Government of Bombay that Book-binders permanently employed in Government Establishments should be admitted

to the benefits of the Uncovenanted Pension Rules. I sanction this proposal.

I have, &c.,  
ARGYLL.

*The 3rd March 1869.*

No. 1415.

Mr. D. R. Onslow, B. A., Assistant, Financial Secretariat, is allowed privilege leave for three months.

*The 4th March 1869.*

No. 1464.

Major G. M. Battye, the Post Master General of the North-Western Provinces, made over charge of his office to Lalla Salig Ram, a Supernumerary Inspector in those Provinces, on the forenoon of the 8th of February 1869.

*The 5th March 1869.*

No. 1482.

The following letter to the address of the Accountant General, Bombay, is published for general information:—

From—R. B. CHAPMAN, Esq., *Offg. Secy. to the Govt. of India, FINANCIAL DEPT.,*  
To—The Accountant General, Bombay.

*Fort William, 5th March 1869.*

I am directed to acknowledge the receipt of your letter No. <sup>A</sup><sub>5034</sub> of the 30th January 1869, and to reply to state that the order of this Department, No. 122, dated the 6th idem, regarding the acting allowances of Uncovenanted Servants, is applicable to every case in which an Uncovenanted Servant acts for another on a salary of not less than Rs. 100 per mensem in such a post as is never held by a Covenanted Civil Servant or a Military Officer.

I have, &amp;c.,

R. B. CHAPMAN,  
*Offg. Secy. to the Govt. of India.*

**MILITARY DEPARTMENT.***Fort William, 1st March 1869.*

No. 244 of 1869.—The Right Hon'ble the Secretary of State for India having forwarded to the Government of India a Work entitled "The Nomenclature of Diseases," His Excellency the Governor General in Council is pleased to direct that Military Medical Officers shall in future adopt the new nomenclature in the preparation of the periodical returns of sickness and mortality now furnished by them.

This order is applicable to all three Presidencies.

No. 245 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB FRONTIER FORCE.  
*2nd Cavalry.*

Ensign L. T. Bishop, of Her Majesty's 26th Foot, a candidate for the Staff Corps, to be 2nd Squadron Subaltern on probation.

No. 246 of 1869.—The services of Captain A. H. Eckford, of the Bengal Staff Corps, are placed at the disposal of the Government of Bengal.

*The 2nd March 1869.*

No. 247 of 1869.—His Excellency the Governor General of India has been pleased to make the following appointment, with effect from the 30th January 1869 :—

*Governor General's Body Guard.*

Lieutenant T. Deane, of the 21st Hussars, to officiate as Adjutant, as a temporary arrangement and until further orders, *vice* Lieutenant Lawrence, Officiating as 2nd in Command.

No. 248 of 1869.—The under-mentioned Out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pension is to be made and charged accordingly :—

*Rate of Pension per diem.*

Sergeant Thomas Rodgers, late of the 24th Brigade Royal Artillery. { 2s. (twoshillings) from the date he ceases to receive Regimental pay or allowance.

Private Henry Wright, late of the 1st Battalion, 23rd Foot. { 10d. (ten pence) from the date he ceases to receive Regimental pay or allowance.

Gunner Jeremiah Sullivan, late of the 24th Brigade Royal Artillery. { 1s. (one shilling) from the date he ceases to receive Regimental pay or allowance.

No. 249 of 1869.—The following order issued by the Government of Bombay is confirmed :—

No. 104 of the 10th February 1869.—Granting furlough to Europe on medical certificate to the under-mentioned Officer :—

Major Thomas Trevor Turtton, of the Madras Staff Corps, 2nd in Command, 5th Infantry, Hyderabad Contingent. { For two years, under the Regulations of 1868.

No. 250 of 1869.—With reference to paragraph 7 of the Despatch from the Right Hon'ble the Secretary of State for India, published in Government General Order No. 897, dated 25th October 1866, and to Standing Order by His Excellency the Commander-in-Chief, No. 259 of 1866, Captain H. M. Pratt, of the Bengal Staff Corps, who was promoted to the rank of Captain from the 13th December 1868, is permitted to retain his appointment of Adjutant of the 4th Sikh Infantry, Punjab Frontier Force.

No. 251 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointments :—

Major General P. Harris, of the Bengal Staff Corps, employed temporarily on the Divisional Staff of the Army, is brought permanently on the establishment in succession to Major General A. M. Becher, C. B., who vacates his appointment on the Divisional Staff on proceeding to Europe on furlough for two years.

Major General J. Travers, V. C., of Infantry, temporarily to the Divisional Staff of the Army, during the period Major General C. Troup, C. B., may be employed on special duty, or until further orders.

No. 252 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointment :—

*PUNJAB FRONTIER FORCE.*

*6th Infantry.*

Lieutenant A. N. Sandilands, of the 90th Foot, 2nd Wing Subaltern, 1st Sikh Infantry, to be 1st Wing Subaltern on probation.

No. 253 of 1869.—With reference to the notification issued by the Government of Bengal, dated 19th February 1869, the services of Surgeon T. P. Wright, Civil Surgeon of Bhaugulpore, are placed at the disposal of His Excellency the Commander-in-Chief.

*The 4th March 1869.*

No. 254 of 1869.—It is hereby notified that the gold medal sanctioned in Clause XVI of Government General Order No. 734 of the 9th September 1864, laying down Rules for the examination of Officers in the Native languages, will in future always accompany a degree of honor, and also be granted whenever the test for High Proficiency may be passed with extraordinary credit.

2. Officers who may be debarred from the authorized pecuniary rewards by length of service will be eligible for these medals.

No. 255 of 1869.—The services of Major General C. T. Chamberlain, C. S. I., of the Bengal Staff Corps, are placed temporarily at the disposal of the Foreign Department.

No. 256 of 1869.—The following promotions are made :—

*Ordnance Commissariat Department.*

RANK AND NAMES.	TO WHAT RANK PROMOTED.	FROM WHAT DATE.	IN WHOSE ROOM.
Officiating Conductor James Loughlin.	Conductor	21st Jan. 1869.	Vice Conductor Stagg, remanded to Regimental duty.
Sub-Conductor James Neal.	Officiating Conductor.	Ditto	Vice Officiating Conductor Loughlin, promoted.
Officiating Sub-Conductor J. H. Jelly.	Sub-Conductor on probation.	Ditto	Ditto ditto.
Magazine Sergeant John Milleum.	Officiating Sub-Conductor.	Ditto	Vice Sub-Conductor Neal, promoted temporarily.



No. 257 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB FRONTIER FORCE.

5th Cavalry.

Major H. L. Millett, 2nd in Command and Squadron Officer, to officiate as Commandant during the absence on furlough to Europe of Major W. H. Paget, or until further orders.

No. 258 of 1869.—The following promotion is made in the under-mentioned Corps of the Native Army:—

CORPS.	RANK AND NAME.	TO WHAT RANK PROMOTED.	FROM WHAT DATE.	IN WHOSE ROOM.
2nd Bengal Cavalry.	Resident. Meer Nuzer Hoossein.	Woodie Major.	16th July 1868.	Heera Singh, removed from his appointment.

No. 259 of 1869.—The following promotion is made:—

Army Commissariat Department.

Sub-Conductor W. L. Smith to be Conductor, with effect from the 19th February 1869, in succession to Conductor W. Huggins, deceased.

The 5th March 1869.

No. 260 of 1869.—The under-mentioned officers of the Staff Corps having completed five years' service as substantive Lieutenant Colonel, are promoted to the rank of Colonel by Brevet from the dates specified, under the operation of the Royal Warrant dated 16th January 1861, clause 2, subject to Her Majesty's approval:—

Lieutenant Colonel John Robert McMullin, Bengal Staff Corps } 1st March 1869.  
Lieutenant Colonel Frederic J. B. Priestley, Madras Staff Corps } 2nd March 1869.

No. 261 of 1869.—The following promotions are made from the dates specified, under the operation of Government General Order No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval:—

BREVET.

To be Colonels.

Lieutenant Colonel Richard John Meade, C.S.I., Bengal Staff Corps }  
Lieutenant Colonel John Murray Macgregor, Madras Staff Corps } 1st March 1869.  
Lieutenant Colonel George Remington Cookson, Bengal Infantry }  
Lieutenant Colonel George Holroyd, Bengal Staff Corps }

To be Captain.

Lieutenant Wellesley Campbell, late 71st N. I. } 4th March 1869.

No. 262 of 1869.—The under-mentioned Officers of the Bengal Staff Corps having completed 20 years' service, are promoted to the rank of Major from the date specified, under the provisions of Government General Order No. 808 of the 26th September 1866, subject to Her Majesty's approval:—

Captain (Brevet Major) Augustus Arthur Currie and Captain Robert Stannus } 2nd March 1869.  
Graves.

No. 263 of 1869.—The under-mentioned Officer of the Bengal Staff Corps having completed 12 years' service, is promoted to the rank of Captain from the date specified, under the provisions of Government General Order No. 808 of the 26th September 1866, subject to Her Majesty's approval:—

Lieutenant Alfred Ollivant ... 4th March 1869.

No. 264 of 1869.—The under-mentioned Warrant Officer is permitted to proceed to Europe on furlough on private affairs:—

Conductor John Baker, of the Ordnance Commissariat Department. } For two years, under Government General Order No. 53, of 1854.

No. 265 of 1869.—The services of Lieutenant J. Waterhouse, of the Royal Artillery, a candidate for the Staff Corps, are placed at the disposal of the Home Department, with effect from the 17th February 1869.

No. 266 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB FRONTIER FORCE.

Peshawar Mountain Battery.

Lieutenant R. G. Fitzgerald, of the Royal Artillery, to officiate as 2nd Subaltern during the absence on furlough to Europe of Lieutenant M. J. King-Harman, or until further orders.

No. 267 of 1869.—The services of the under-mentioned Officers are placed at the disposal of the Public Works Department as a temporary arrangement:—

Lieutenant C. C. Dyce, of the Royal Artillery.  
Cornet C. W. B. Bell, of Her Majesty's 5th Lancers.

No. 268 of 1869.—The under-mentioned Officers have reported their departure on the dates specified opposite to their names:—

Major (Brevet Lieutenant Colonel) G. Hutchinson, of the Bengal Staff Corps, Government General Order No. 115 of 1869. } Bengal, 6th February 1869, from Bombay.

Captain E. Tierney, of the Royal Artillery, Government General Order No. 115 of 1869. } St. Lawrence, 19th February 1869.



Major\* T. T. Turton, of the Madras Staff Corps, Government General Order No. 249 of 1869. } *Baroda, 20th February 1869, from Bombay.*

Lieutenant Colonel W. B. Irwin, of the Bengal Staff Corps, Government General Order No. 172 of 1869.

Major J. J. Eckford, of the Bengal Staff Corps, Government General Order No. 211 of 1869. } *Lord Warden, 26th February 1869.*

2nd Captain A. M. Lang, of the Royal Engineers, Government General Order No. 1122 of 1868.

Lieutenant G. Edmonds (un-attached), Government General Order No. 210 of 1869.

Captain Robert Horace Hudleston, of the Bengal Staff Corps, Deputy Commissioner, Hyderabad Assigned Districts.

Captain William Cavendish Bentinck Ryan, of the Bengal Staff Corps, Wing Officer, 41st (The Gwalior) Regiment of Native Infantry.

For two years, under the Regulations of 1868, embarking at Bombay.

Lieutenant James Andrew Sutherland Colquhoun, of the Royal Artillery, 3rd Class Commissary of Ordnance.

For two years, under the Regulations of 1868.

No. 269 of 1869.—In continuation of Government General Order No. 550 of 1868, the Right Hon'ble the Governor General in Council is pleased to lay down the following as the effective strength of the several grades of the Apothecary Class of the Subordinate Medical Establishment to be maintained for the Military duties of the British and Indian services in the Bengal Presidency:—

Apothecaries	82
Assistant Apothecaries	132*
Passed Hospital Apprentices	62
Hospital Apprentices unpassed	124*

\* Including those absent from duty for the purpose of studying at the Medical College.

2. In modification of the Artillery Establishments laid down in paragraph 14 of Government General Order No. 550 of 1868, the Right Hon'ble the Governor General in Council is pleased to decide that the Establishment of a Brigade shall consist of—

1. Apothecary,
1. Passed Hospital Apprentice,
1. Hospital Apprentice not passed,

and that the Establishment of each Battery, whether at the head quarters of its Brigade or detached, shall consist of—

1. Assistant Apothecary.

No. 270 of 1869.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs:—

Surgeon Richard Theophilus Abbott, M. D., of the Medical Department, Inspector General of Jails Central Provinces. } For two years, under the Regulations of 1868, embarking at Bombay.

Surgeon Alexander Morison Dallas, of the Medical Department, Inspector General of Prisons, Punjab.

Lieutenant Colonel Edward Smalley, of the Bengal Staff Corps. } For two years, under the Regulations of 1868.

No. 271 of 1869.—Deputy Inspector General of Hospitals James Alexander Guise, of the Medical Department, is permitted to retire from the service on a pension of £(550) five hundred and fifty per annum with the additional pension of £(250) two hundred and fifty, under the provision of paragraph 37 of Government General Order No. 1060, dated 23rd December 1864, with effect from the 31st March 1869.

No. 272 of 1869.—His Excellency the Governor General of India in Council is pleased to make the following promotion in the Medical Department:—

Deputy Inspector General of Hospitals, with temporary rank, Thomas Hastings to have permanent rank from 31st March 1869, *vice* Deputy Inspector General of Hospitals J. A. Guise, who has been permitted to retire from the service from that date.

No. 273 of 1869.—Under the authority of Her Majesty's Government, His Excellency the Governor General in Council is pleased, as a special case, to re-appoint Colonel H. Lewis, Royal Artillery, whose tenure of appointment expired on the 1st December 1868, to be Deputy Inspector General of Ordnance and Magazines for an additional term of five years.

No. 274, of 1869.—The services of Lieutenant Colonel C. F. F. Chamberlain, C. B., Commandant of the 23rd (Punjab) Regiment Native Infantry (Pioneers), are placed temporarily at the disposal of the Foreign Department for special duty.

H. W. NORMAN, Colonel,

*Secy. to the Govt. of India.*

## PUBLIC WORKS DEPARTMENT.

### NOTIFICATIONS.

#### Establishment.

*Fort William, the 3rd March 1869.*

No. 62.

Mr. W. E. Pigott, Accountant of the 4th Grade, in Central India, is removed from the Public Works Department.

*The 4th March 1869.*

No. 63.

Mr. P. B. Roberts is appointed to the Public Works Department as an Assistant Engineer, 2nd Grade, on probation, and Mr. C. E. Livesay as Assistant Engineer of the 3rd Grade, temporarily; both are posted to Bengal.

C. H. DICKENS, *Colonel, R. A.,*  
*Secy. to the Govt. of India.*

*The 5th March 1869.*

No. 64.

*Statement of the Monthly Accounts received in the Office of the Accountant General, Public Works Department, up to the 1st March 1869.*

ORDER OF DEPT.	ACCOUNTING OFFICES.	LAST MONTH FOR WHICH RECEIVED.	DATE OF RECEIPT.
1	Controller, Hyderabad ...	Dec. 1868 ...	10th Feb. 1869.
2	Ditto, Central Provinces ...	Ditto ...	12th ditto.
3	Ditto, Hyderabad for the Berars ...	Ditto ...	17th ditto.
4	Ditto, Madras ...	Ditto ...	22nd ditto.
5	Ditto, Bombay ...	Ditto ...	24th ditto.
6	Ditto, N. W. Provinces ...	Ditto ...	1st March 1869.
7	Ditto, British Burmah ...	Ditto ...	1st ditto.
8	Ditto, Central India ...	Ditto ...	1st ditto.
9	Ditto, Rajpootana ...	Ditto ...	1st ditto.
10	Ditto, Mysore ...	Ditto ...	1st ditto.
11	Ditto, Mysore for Coorg ...	Ditto ...	1st ditto.
12	Ditto, Bengal ...	Nov. 1868 ...	3rd Feb. 1869.
13	Ditto, Oudh ...	Ditto ...	8th ditto.
14	Ditto, Punjab ...	Ditto ...	9th ditto.

No. 65.

Privilege leave for twenty days is granted to Colonel C. H. Dickens, R. A., c. s. i., Secretary to the Government of India, in the Public Works Department, from the 4th March 1869.

Colonel R. Strachey, R. E., c. s. i., Inspector General of Irrigation, is appointed to officiate as Secretary to the Government of India, in the Public Works Department, during the absence of Colonel Dickens.

No. 66.

Mr. R. Winder, Assistant Engineer, 1st Grade, North-Western Provinces, is transferred to the Punjab, and Captain H. H. Jones, R. E., Executive Engineer, 4th Grade, Punjab, transferred to the North-Western Provinces.

No. 67.

Mr. James Collins is appointed to the Public Works Department as an Executive Engineer of the 3rd Grade, and posted to the Punjab.

R. STRACHEY, *Colonel, R. E.,*  
*Offg. Secy. to the Govt. of India.*

**Revenue—Forests.**

*The 3rd March 1869.*

No. 5 F.

The Governor General in Council has been pleased to appoint Lieutenant R. C. Beavan, Bengal Staff Corps, to officiate as an Assistant Conservator of Forests, 2nd Class, in British Burmah, during the absence on leave of Mr. J. Adamson, or until further orders.

**Railway.**

*The 3rd March 1869.*

No. 4 R.

Mr. Middleton Rayne, under covenant with the Secretary of State for India to serve as a Superintending Engineer on the Punjab Northern (State) Railway, reported his arrival at Lahore on the 15th February 1869.

C. H. DICKENS, *Colonel, R. A.,*  
*Secy. to the Govt. of India.*

**MONEY ORDER OFFICE.**

**NOTIFICATION.**

*Fort William, the 5th March 1869.*

A new Money Order Office has been opened at Tura, in the Garrow Hills.

E. F. HARRISON,  
*Comptroller General of Accounts.*

**ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.**

At all future Examinations of Entrance dates, the Pass-Standard in Mathematics will be 25 per cent. instead of 25 per cent. as heretofore.

There will be no change in the Pass-Standard in the other subjects.

J. SUTCLIFFE,  
*Registrar.*

UNIVERSITY OFFICE,  
*The 1st March 1869.*

**REVENUE SURVEY DEPARTMENT.**

**NOTIFICATION.**

*Calcutta, the 25th February 1869.*

No. 29.

Mr. E. C. Barrett, appointed in Home Department Notification No. 41, dated 29th ultimo, to be an Assistant Surveyor of the 2nd Grade, in the Senior Department, from the 30th December 1868, will continue to do duty in the 4th Division, Central Provinces Revenue Survey, until further orders.

*The 2nd March 1869.*

No. 30.

Mr. George Latter Rodway Scott to be a Sub-Assistant of the 4th Grade from 1st instant.

J. E. GASTIELL, *Colonel,*  
*Supdt. of Revenue Surveys, Upper Circle.*



## TELEGRAPH DEPARTMENT.

## NOTIFICATIONS.

*Calcutta, the 22nd December 1868.*

From the 1st of February 1869, all messages received into a Telegraph Office for despatch, must be stamped to the full value for all demands.

2. Telegraph Stamps will be procurable at all Telegraph Stations in any quantities, and at Civil Treasuries in quantities of the value of not less than Rs. 5 of labels at one time, provided that the quantity sold shall not include less than one Rupee worth of any particular value of Stamps.

3. Telegrams can be sent from Out-stations by post, but they must be enclosed in registered covers. At Stations where Telegraph Stamps are not procurable, they may be paid for by Postage Stamps at the rate of 17 annas to the Rupee. In such cases, the Post Office registration receipt will take the place of the ordinary Telegraph receipt. If any telegram be received insufficiently stamped, it will be returned bearing to the sender.

4. Telegraph Stamps are double headed, the object being that the upper half shall be returned on the receipt (whereby the sender receives a guarantee that his message has not been suppressed for the sake of the money), and the lower half shall be affixed to the message as voucher to Government that it has been pre-paid.

5. Proper forms on which to write telegrams are available at all Telegraph Stations gratis for messages written at the Office, or for sale at the following rates:—

	Rs.	A.	P.
Per 100 ...	...	1	2 0
" 50 ...	...	0	10 0
" 25 ...	...	0	6 0
" 12 ...	...	0	3 0

These forms will also shortly be obtainable at the same rates at all Treasuries.

6. The senders of telegrams must be careful to affix their Stamps on the spaces left blank for the purpose on the message forms, the upper half on the receipt, the lower half on the message, and to see that the Stamps are defaced with the Office Stamp which carries the name of the Office and date.

7. Telegraph Stamps cut in two, before being sent into a Telegraph Office, will not be accepted.

8. For rates of charge, see Notification on revised Tariff of the 20th September 1868.

9. Skeleton Maps of India showing the Telegraph Lines and Stations are procurable at most Telegraph Offices at eight annas each.

The Ceylon charge on a message of 20 words to or from India will in future be one rupee. Thus, a message of 10 words between any station in

Ceylon and any station in India (except those east of Calcutta), will be two rupees, a message of 20 words will be three rupees, a message of 30 words will be five rupees, and so on.

A charge of one rupee in addition to the above will be made for a message of 20 words to or from any station east of Calcutta.

The above cancels paragraph 9 of the Telegraph Notification, dated Simla, the 20th September 1868, published in the *Gazette of India* of the 20th idem.

D. G. ROBINSON, Colonel, R.E.,  
*Dir. Genl. of Tels. in India.*

## POST OFFICE.

## NOTIFICATIONS.

*Calcutta, the 17th February 1869.*

Intimation is hereby given of the following alterations in the rates and conditions of transmission of correspondence between India and places the route to which lies through the United Kingdom.

2. The postage on a letter for Bermuda is increased from 10 annas per half ounce, as formerly, to 13 annas 4 pie when sent via Southampton, and from 12 annas 8 pie per half ounce, as formerly, to 1 Rupee when sent via Marseilles.

3. The postage on a Book Packet for the Azores, Cape de Verd Islands, Madeira or Portugal, is reduced from 4 annas 4 pie per 4 ounces, as formerly, to 3 annas 8 pie when sent via Southampton, and from 5 annas 8 pie per 4 ounces, as formerly, to 5 annas when sent via Marseilles. Newspapers for the places above mentioned forwarded via the United Kingdom can in future be sent only at Book rates.

4. Newspapers for the Canary Islands can in future be sent only at Book rates, viz., 5 annas per 4 ounces via Southampton, and 6 annas 4 pie per 4 ounces when sent via Marseilles.

5. Unpaid or insufficiently paid letters received via the United Kingdom from British Colonies or Foreign Countries will be exempted from the fine of 4 annas each hitherto levied, the charge on delivery in India being for the future limited to the amount of deficiency claimed by the London Post Office, together with 1 anna 4 pie per half ounce as Indian inland postage.

6. Newspapers and Packets received via the United Kingdom from British Colonies or Foreign Countries will be delivered in India without charge in cases where the prepayment includes Indian inland postage. In other cases the charge will be at the rate of 1 anna per 4 ounces, in addition to any deficient postage claimed by the London Post Office.

A. M. MONTEATH,  
*Dir. Genl. of the Post Office of India.*

*The 12th February 1869.*

Consequent upon a reduction of the postage rate on newspapers between the United Kingdom and the United States of America, the postage



payable in India on each newspaper (not exceeding 4 ozs.) sent to the United States of America through the United Kingdom will in future be 2 annas 4 pie *via* Southampton, and 3 annas *via* Marseilles.

The 16th February 1869.

It is hereby notified for general information that on unpaid letters received from Italy through Alexandria, the charges leviable on delivery in India will be those shown below, *viz.* :—

*Rates chargeable in India on unpaid letters received from Italy through Alexandria not exceeding in weight—*

$\frac{1}{2}$ OZ.	$\frac{3}{4}$ OZ.	1 OZ.	1 $\frac{1}{4}$ OZ.	1 $\frac{1}{2}$ OZ.	1 $\frac{3}{4}$ OZ.	2 OZ.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
0 8 0	0 12 0	1 4 0	1 8 0	2 0 0	2 4 0	2 12 0

C. K. DOVE,

*For Dir. Genl. of the Post Office of India.*

The 4th March 1869.

No. 298.

Mails for Gopulpore, Bimlipatam, Vizagapatam, Coconada, Madras, Pondicherry, Negapatam, Galle, Colombo, Tuticorin, Cochin, Beypore, Calicut, Cannanore, Mangalore, Carwar, Vingorla, Rutnagherry, and Bombay for transmission per Steamer *Cashmere* will be closed at this Office on Monday, the 8th instant, at 6 P. M.

No. 299.

The next Overland Mail *via* Bombay will close on Tuesday, the 9th instant.

2. Book post and pattern packets must be posted on the 8th.

3. There will be no Express.

4. Letters, &c., for Mauritius, St. Dennis, Reunion can be sent by this opportunity.

*N.B.*—The Letter Box will close at 6 P. M. precisely, after which hour Overland letters fully pre-paid, and bearing extra postage stamp of two annas on each cover, will be received up to 6-30 P. M., or bearing an extra postage stamp of four annas on each cover up to 7 P. M., and after 7 up to 8-30 P. M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghaut.

No. 300.

Mails for the following places for transmission per Peninsular and Oriental Company's Steamer *Surat* will be closed in this Office on Monday, the 15th instant, at 6 P. M.:—

Madras, Ceylon, Penang, Singapore, Malacca, Hong-Kong, China, Japan, and Australia.

*N.B.*—No letters, newspapers, books or pattern packets are sent to Aden, Suez, or Europe, or places *en route* Europe, by Peninsular and Oriental Company's steamers from Calcutta, the route to such places being *via* Bombay.

W. H. MCGOWAN,  
*Post Master of Calcutta.*

The 27th February 1869.

*LIST of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 27th February 1869.*

ALEXANDER, Miss L.  
Alexander, S.  
Ansell, C.  
Agacy, J. S.  
Alymer, A. P.

BOTELLHO.  
Bruce, Capt. A. C.  
Burr, W. R.  
Rose & Co.  
Burnside, Dr. G. S.  
Brockman, A. J.  
Burton, Capt. E.  
Brachey, J.  
Brown, Rev. J.  
Brachio, C.  
Brachis, Mrs. J.  
Blacker, Mrs. L. A.  
Blumhardt, Miss.  
Barn, Mrs. D.  
Brown, Mrs. H.

CURTIS, Mrs.  
Commissioner of Soonderbuns.  
Croom, H.  
Cottier, Capt. R.  
Campbell, S. A.  
Campbell, Mrs. A. G.  
Crembrook, A. S.  
Cobaley, J.  
Carlin, B.

DOUGLAS, Fraser & Co.  
Drummond, E.  
Dwarkanauth Boysack.  
D'Roario, P.  
Devyer, J.  
D'Oyley, W. H.  
Dyer, Mrs. M.  
D'Cruz, Mrs. P.

EWART, Lt. C. H.  
Elliott, A. J.  
Essen Chunder Bose.

FARMELL, E.  
Foster, Mrs. A. F.  
Foggo, J. W.  
Fertis, E.

GOODWOOD, H.  
Gardner, T.  
Gomes, B. M.  
Gomes, J.  
Grant, Dr. A. G.  
Goluck Nauth.  
Green, Mrs. E.  
Grose, J. T.  
Grant, J.

HALL, R. D.  
Harry Mohun Banerjee.  
Hall, Mrs. A. M.  
Higginbottom & Co.  
Harry Nauth Dobey.

KING, W. H.  
Kennedy, Capt. (F. late Imuma).  
Knight, W.  
Kenny, Mrs.  
Keylash Chunder Doss.

LENIEN, A.  
Lambert, G.  
Lestrango, Mrs. E.  
Lopes, S. J.  
Lucas, A.  
Livingston, T.  
Lazarus, S.  
Legget, C.  
Layard, Col.  
Leonard, H.  
Leckwood, E.  
Lucas, P. G.  
Lang, R. T. M.

MAXWELL, J. D.  
Money, Mrs. R.  
Mewburn, G. F.  
Madhub Chunder Chuckerbutty.  
Macculloch, A. M.  
Miller, J. DeBurgh.  
Mothur Chunder Ghose.  
Mothur Lall Bose.  
Mocram Alley.  
Morgan, S. V.  
Martin, Mr.  
Moore, Capt. J. C.  
Moloney, J. M.  
Mears, C.  
Massick, Mrs.  
Musliah, J. J.  
Morrison, Mrs. E.  
Morgan, E. D. C. E.

NIGHTINGALE, M.  
Nicholas, C.  
Neel Rutton Roy.  
Nethro Gopaul Ghose.  
Nobin Chunder Nundee.

ONEILL, Revd. P.  
Ogilvie, J.

PUDDICOMBE, D.  
Pilcher, Miss M. J.  
Phillipson, R. A.  
Pepper, C. F.  
Purcell, J.  
Poynton, J.  
Phillippe.  
Paulney, Mrs. M.  
Parker, F.

QUINTREL, Lt. B. H. A.

RYSES, C. S.  
Rungo Lall Banerjee.  
Rifke, Mrs.  
Rebeiro, A.  
Raj Kessur Pertab.  
Rodgers, W. R.  
Roderick, Mr. C.  
Radha Kissen Dey.  
Ramcoomar Bose.  
Russell, Capt. J. C. (10th M.N.I.)

SMALL, L.  
Salmon, J. R.  
Stevens, J.  
Shoeneman, C. H. T.  
Smith, Messrs. W. H. E.  
Soady, Mrs.  
Surbeshar Mitter.  
Smith, W.  
Sevi, Mrs. J.  
Sewshahan Chowdry.  
Smith, J. W.  
Stevens, Mrs. A.  
Savvyell, Mrs. L.  
Stack, A.

THOMSON, John Robert.  
Taylor, A. E.

VYSE, J. D.

WARD, & Co.  
Wood, W.  
Wallis, F. A.  
Wynne, W. R. W.  
White, J.  
Woodroff.  
Walker, W. C.  
Watson, A.  
Wilde, Genl. A. T.  
Williams, G. T.  
Wright, C. R.  
Wood, (Solicitor).  
Wills, W. S.

W. H. MCGOWAN,  
*Post Master of Calcutta.*

## Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED FOR	BALANCE OF BULLION.		
			Under Assay.	Assayed.	Held on account of the Currency Department.
	Rs.	Rs.	Rs.	Rs.	Rs.
Feb. 22nd, 1869 ... ..	19,300	.....	64,747	1,15,878	1,12,61,717
" 23rd, " ... ..	.....	1,810	51,245	1,41,867	1,08,61,717
" 24th, " ... ..	3,74,590	25,489	3,92,821	1,91,425	1,05,61,717
" 25th, " ... ..	.....	1,061	4,11,127	2,06,252	1,02,68,717
" 26th, " ... ..	Holiday.				
" 27th, " ... ..	1,89,389	12,316	3,89,115	2,22,694	99,61,717

CALCUTTA MINT,  
The 1st March 1869. }

H. HYDE, *Lieut. Colonel,*  
*Mint Master.*

## CURRENCY NOTES.

*Extract from Financial Department Notification,  
No. 1004 A, dated Simla, 30th July 1866.*

Para. 9.—“The person making the statement respecting a lost or destroyed Note, or portion of Note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the Note is payable, and *once* in the *Gazette of India*.”

## Lost.

Half of the following Currency Note:—

No.  $\frac{A}{41}$  76321 for Rs. 10.

H. SMITH.

First half of the following Currency Note—intimation of loss given to the Currency Office, Calcutta:—

No.  $\frac{A}{45}$  31263 for Rs. 20.

PROSONO COOMAR BISWAS.

Left half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No.  $\frac{A}{73}$  73853 for Rs. 50.

E. FISHBOURNE.

Left half of the following Currency Note—intimation of loss given to the Currency Office, Calcutta:—

No.  $\frac{A}{79}$  23370 for Rs. 10.

HEEDDY NAUTH NAUG.

In transit the following Currency Note—intimation of loss given to the Currency Office:—

No.  $\frac{A}{113}$  64486 for Rs. 100.

SHAMA CHURN MOOKERJEE.

Left half of the following Currency Note of the Lahore Circle—intimation of loss given to the Currency Office, Lahore:—

No.  $\frac{A}{118}$  20383 for Rs. 20.

MAHOMED MUKHTAR.

The following Currency Note:—

No. 60889 for Rs. 100.

T. McL. CARTER.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No.  $\frac{A}{37}$  56782 for Rs. 50.

CHOTAY LALL SHAW & Co.

In transit from Lullutpore to Umballa, second half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No.  $\frac{A}{30}$  10289 for Rs. 100.

PEER MAHOMED.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No.  $\frac{A}{18}$  36403 for Rs. 10.

JOHN CUNNINGHAM.

The following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No.  $\frac{A}{75}$  66582 for Rs. 50.

JHAOLALL.

## Lost or Stolen.

Half of the following Currency Note:—

No.  $\frac{A}{49}$  64007 for Rs. 10.

C. BARTON.

## Stolen.

The following Currency Notes—intimation of loss given to the Currency Office, Calcutta:—

No.  $\frac{A}{58}$  15274 for Rs. 50.

„  $\frac{A}{59}$  14797 „ 50.

„  $\frac{A}{76}$  15286 „ 50.

ISSEN CHUNDER MITTER & Co.

**Wrongly Joined.**

Application has been made for payment of the following Currency Note with different numbers:—

1st half No.  $\frac{A}{34}$  65669 for Rs. 20.

2nd „  $\frac{A}{34}$  65668 „ 20.

Any person possessing the corresponding halves should communicate with the Assistant Commissioner of Paper Currency, Allahabad.

JOHN VALLALLY.

Received in the course of business the following Currency Note of the Allahabad Circle, of which the two halves bear different numbers:—

1st half No.  $\frac{A}{34}$  98629 } one Note for Rs. 20.  
2nd „  $\frac{A}{34}$  98632 }

PREM CHUNDER MOOKERJEE.

**PROMISSORY NOTES.****Lost.**

Promissory Note No. 1347 of 5½ per cent Loan, dated 30th May 1859, for Rs. 1,000; 16th half-year's interest paid from the Bhaugulpore Treasury to the Revd. M. E. Mills, Secretary, Bhaugulpore Church Committee, on June 1st, 1867.

Also Promissory Notes Nos. 1348 and 1349 for Rs. 500 each, of the above loan and particulars.

The finder of these Notes will kindly make them over either to the Printer or to the Revd. W. M. Lethbridge, Minister of Bhaugulpore.

W. M. LETHBRIDGE.

In transit by Post from Calcutta to Bombay the following Government Promissory Notes, payment of which has been stopped:—

No. 610413 of 5½ per cent. Loan of 1859-60, for Rs. 1,000.

No. 010402 of 5½ per cent. Loan of 1859-60, for Rs. 500.

No. 010403 of 5½ per cent. Loan of 1859-60, for Rs. 500.

D. WOODS,

*Depy. Secy. and Treasurer.*

**ADVERTISEMENTS.****Notice.**

Mr. Duncan Mackinnon is authorized to sign our Firm per procuration from this date.

MACKINNON, MACKENZIE & Co.

1st March 1869.

**THE INDIAN FINANCIAL ALMANACK**  
**For 1869.**

FOR SALE AT THE OFFICE OF SUPDT. GOVT. PRINTING,

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RELATING TO  
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RIFLED ARMS, AMMUNITION, RANGERS, AND APPLIANCES,  
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**NOTE**  
ON THE  
**STATE OF EDUCATION IN INDIA**  
DURING 1866-67.

BY

**A. P. HOWELL, Esq.,**

UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

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OFFICE OF SUPDT. GOVERNMENT PRINTING,  
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**"TRADE AND NAVIGATION RETURNS."**

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**ACCOUNTS**  
RELATING TO THE  
**TRADE AND NAVIGATION**  
OF  
**BRITISH INDIA**  
FOR THE MONTH ENDED 30TH APRIL 1868, AND  
TWELVE MONTHS ENDED 30TH APRIL 1868.

CALCUTTA:

OFFICE OF SUPDT. GOVERNMENT PRINTING,  
8, HASTINGS STREET.  
1869.



*STATEMENT of Government Promissory Notes enforced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 28th February 1869.*

PARTICULARS.	4 PER CENT. LOANS						5 PER CENT.		5 PER CENT. DEDUCTIONS FOR					TOTAL AMOUNT.			
	34 PER CENT. LOAN OF 1853-54	of 1854-55	of 1855-56	of 1856-57	of 1857-58	Transfer of 1858-59	44 PER CENT. LOAN OF 1859-60	P. W. of 1854-55	of 1856-57	2 years. Repayable Jan. 1869	3 years. Repayable Jan. 1870	5 years. Repayable June 1872	10 years. Repayable June 1877		15 years. Repayable June 1882		
Balance of 16th February 1869	53,100	30,468	2,346	20,93,120	38,36,600	1,47,76,700	1,15,52,900	48,16,800	14,500	49,08,400	5,80,37,500	3,90,82,100	10,000	19,26,000	28,07,000	38,36,000	15,20,13,532
<i>Add—</i>	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enforced at Madras between 16th and 28th February 1869	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enforced at Bombay between 16th and 28th February 1869	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5,01,000
Amount enforced at Calcutta between 16th and 28th February 1869	...	...	...	...	...	1,500	500	...	...	1,000	1,16,500	41,000	...	54,000	85,000	80,000	4,50,100
Total	53,100	30,468	2,346	20,93,120	38,36,600	1,47,78,200	1,15,53,400	48,16,800	14,500	49,09,400	5,87,55,000	3,90,83,700	10,000	19,90,000	29,52,000	38,56,000	15,24,54,632
<i>Deduct—</i>	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount written off in the London Registers	...	...	...	...	...	17,500	46,000	30,000	...	...	2,53,000	3,17,500	...	...	...	...	6,70,100
Balance on 28th February 1869	53,100	30,468	2,346	20,93,120	38,31,100	1,47,60,700	1,15,07,400	47,86,800	14,500	49,09,400	5,85,01,400	3,93,06,200	10,000	19,00,000	29,33,000	38,56,000	15,23,84,532

NOTE.—From 9th June to 31st Dec. 1868 enforced from India 488 lakhs; re-transferred from London 207 lakhs.

" 1st Jan. to 16th Jan. 1869	11	"	"	"	5
" 16th " to 30th " "	4	"	"	"	10
" 1st Feb. to 16th Feb. "	4	"	"	"	10
" 16th " to 28th " "	0	"	"	"	6
	316 lakhs.				310 lakhs.

Balance against India ... 206 lakhs.

PUBLIC DEBT OFFICE;  
BANK OF BENGAL,  
Calcutta, the 2nd March 1869.

G. W. MOULTRIE,  
Officiating Secretary and Treasurer.

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# The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 13, 1869.

## GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th February 1869, and is hereby promulgated for general information :—

ACT No. IV OF 1869.

### THE INDIAN DIVORCE ACT, 1869.

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*An Act to amend the law relating to Divorce and Matrimonial Causes in India.*

WHEREAS it is expedient to amend the law relating to the divorce of persons professing the Christian religion, and to confer upon certain Courts jurisdiction in matters matrimonial; It is hereby enacted as follows:—

## I.—Preliminary.

1. This Act may be called "The Indian Divorce Act," and shall come into operation on the first day of April 1869.

Short title.  
Commencement of Act.

2. This Act shall extend to the whole of British India, and (so far only as regards British subjects within the dominions hereinafter mentioned) to the dominions of Princes and States in India in alliance with Her Majesty.

Nothing hereinafter contained shall authorize any Court to grant any relief under this Act, except in cases where the petitioner professes the Christian religion and resides in India at the time of presenting the petition;

or to make decrees of dissolution of marriage except in the following cases:—(a) where the marriage shall have been solemnized in India; or (b) where the adultery, rape or unnatural crime complained of shall have been committed in India; or (c) where the husband has, since the solemnization of the marriage, exchanged his profession of Christianity for the profession of some other form of religion;

or to make decrees of nullity of marriage except in cases where the marriage has been solemnized in India.

3. In this Act, unless there be something repugnant in the subject or context,—

(1). "High Court" means in any Regulation Province the Court there established under the Act of the twenty-fourth and twenty-fifth of Victoria, Chapter one hundred and four,

in the territories for the time being subject to the government of the Lieutenant Governor of the Panjáb, the Chief Court of the Panjáb,

in British Burma, the High Court of Judicature at Fort William in Bengal,

and in any other Non-Regulation Province and in any place in the dominions of the Princes and States of India in alliance with Her Majesty, the High Court or Chief Court to whose original criminal jurisdiction the petitioner is for the time being subject, or would be subject if he or she were an European British subject of Her Majesty:

In the case of any petition under this Act, 'High Court' is that one of the aforesaid Courts within the local limits of whose ordinary appellate jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together:

(2). "District Judge" means, in the Regulation Provinces, a Judge of a principal Civil Court of original jurisdiction,



in the Non-Regulation Provinces, other than British Burma and Sind, a Commissioner of a Division,

in Pegu, the Recorder at Rangoon,

in Arakan, the Recorder at Rangoon until a Recorder's Court is established at Akyab, and thenceforward the Recorder at Akyab,

in the Tenasserim Provinces, the Recorder at Maulmain,

in Sind, the Judicial Commissioner in that province,

and in any place in the dominions of the Princes and States aforesaid, such officer as the Governor General of India in Council shall from time to time appoint in this behalf by notification in the *Gazette of India*, and, in the absence of such officer, the High Court in the exercise of its original jurisdiction under this Act:

(3). "District Court" means, in the case of any petition under this Act, the Court of the District Judge within the local limits of whose ordinary jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together:

(4). "Court" means the High Court or the District Court, as the case may be:

(5). "Minor children" means, in the case of sons of Native fathers, boys who have not completed the age of sixteen years, and, in the case of daughters of Native fathers, girls who have not completed the age of thirteen years: In other cases it means unmarried children who have not completed the age of eighteen years:

(6). "Incestuous adultery" means adultery committed by a husband with a woman with whom, if his wife were dead, he could not lawfully contract marriage by reason of her being within the prohibited degrees of consanguinity (whether natural or legal) or affinity:

(7). "Bigamy with adultery" means adultery with the same woman with whom the bigamy was committed:

(8). "Marriage with another woman" means marriage of any person being married to any other person, during the life of the former wife, whether the second marriage shall have taken place within the dominions of Her Majesty or elsewhere:

(9). "Desertion" implies an abandonment against the wish of the person charging it;

(10). and "property" includes in the case of a wife any property to which she is entitled for an estate in remainder or reversion or as a trustee, executrix or administratrix; and the date of the death of the testator or intestate shall be deemed to be the time at which any such wife becomes entitled as executrix or administratrix.

#### II.—Jurisdiction.

4. The jurisdiction now exercised by the High Courts in respect of divorce *a mensâ et toro*, and in all other causes, suits and matters matrimonial, shall be exercised by such Courts and by

the District Courts subject to the provisions in this Act contained, and not otherwise: except so far as relates to the granting of marriage-licenses, which may be granted as if this Act had not been passed.

Exception.

5. Any decree or order of the late Supreme Court of Judicature at Calcutta, Madras, or Bombay sitting on the ecclesiastical side, or of any of the said High Courts sitting in the exercise of their matrimonial jurisdiction, respectively, in any cause or matter matrimonial, may be enforced and dealt with by the said High Courts, respectively, as hereinafter mentioned, in like manner as if such decree or order had been originally made under this Act by the Court so enforcing or dealing with the same.

6. All suits and proceedings in causes and matters matrimonial, which when this Act comes into operation are pending in any High Court, shall be dealt with and decided by such Court, so far as may be, as if they had been originally instituted therein under this Act.

7. Subject to the provisions contained in this Act, the High Courts and District Courts shall, in all suits and proceedings hereunder, act and give relief on principles and rules which, in the opinion of the said Courts, are as nearly as may be conformable to the principles and rules on which the Court for Divorce and Matrimonial Causes in England for the time being acts and gives relief.

8. The High Court may, whenever it thinks fit, remove and try and determine as a Court of original jurisdiction any suit or proceeding instituted under this Act in the Court of any District Judge within the limits of its jurisdiction under this Act.

The High Court may also withdraw any such suit or proceeding, and transfer it for trial or disposal to the Court of any other such District Judge.

9. When any question of law or usage having the force of law arises at any point in the proceedings previous to the hearing of any suit under this Act by a District Court or at any subsequent stage of such suit, or in the execution of the decree therein or order thereon,

the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case and refer it, with the Court's own opinion thereon, to the decision of the High Court.

If the question has arisen previous to or in the hearing, the District Court may either stay such proceedings, or proceed in the case pending such reference, and pass a decree contingent upon the opinion of the High Court upon it.

If a decree or order has been made, its execution shall be stayed until the receipt of the order of the High Court upon such reference.

#### III.—Dissolution of Marriage.

10. Any husband may present a petition to the District Court or to the High Court, praying that his marriage may be dissolved

When husband may petition for dissolution.

on the ground that his wife has, since the solemnization thereof, been guilty of adultery.

Any wife may present a petition to the District

When wife may petition for a dissolution. Court or to the High Court, praying that her marriage may be dissolved on the ground that since the solemnization thereof her husband has exchanged his profession of Christianity for the profession of some other religion, and gone through a form of marriage with another woman;

or has been guilty of incestuous adultery,

or of bigamy with adultery,

or of marriage with another woman with adultery,

or of rape, sodomy or bestiality,

or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensâ et toro*,

or of adultery coupled with desertion, without reasonable excuse, for two years or upwards.

Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded.

11. Upon any such petition presented by a husband, the petitioner shall

Adulterer to be a co-respondent. make the alleged adulterer a co-respondent to the said petition, unless he is excused from so doing on one of the following grounds, to be allowed by the Court :—

(1). That the respondent is leading the life of a prostitute, and that the petitioner knows of no person with whom the adultery has been committed.

(2). That the name of the alleged adulterer is unknown to the petitioner, although he has made due efforts to discover it.

(3). That the alleged adulterer is dead.

12. Upon any such petition for the dissolution of a marriage, the Court

Court to be satisfied of absence of collusion. shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery, or has condoned the same, and shall also inquire into any countercharge which may be made against the petitioner.

13. In case the Court, on the evidence in relation to any such petition, is satisfied that the petitioner's case has not been proved, or is not satisfied that the alleged adultery has been committed,

or finds that the petitioner has, during the marriage, been accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

then and in any of the said cases the Court shall dismiss the petition.

When a petition is dismissed by a District Court under this section, the petitioner may, nevertheless, present a similar petition to the High Court.

14. In case the Court is satisfied on the evi-

Power to Court to pronounce decree for dissolving marriage. dence that the case of the petitioner has been proved,

and does not find that the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

the Court shall pronounce a decree declaring such marriage to be dissolved in the manner and subject to all the provisions and limitations in sections sixteen and seventeen made and declared:

Provided that the Court shall not be bound to pronounce such decree if it finds that the petitioner has, during the marriage, been guilty of adultery,

or if the petitioner has, in the opinion of the Court, been guilty of unreasonable delay in presenting or prosecuting such petition,

or of cruelty towards the other party to the marriage,

or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse,

or of such wilful neglect or misconduct of or towards the other party as has conduced to the adultery.

No adultery shall be deemed to have been condoned within the meaning of this Act unless where conjugal cohabitation has been resumed or continued.

15. In any suit instituted for dissolution of marriage, if the respondent

Relief in case of opposition on certain grounds. opposes the relief sought on the ground, in case of such a suit instituted by a husband, of his adultery, cruelty, or desertion without reasonable excuse, or, in case of such a suit instituted by a wife, on the ground of her adultery and cruelty, the Court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief, and the respondent shall be competent to give evidence of or relating to such cruelty or desertion.

16. Every decree for a dissolution of marriage made by a High Court not being a confirmation of a decree of a District Court, shall, in the first instance, be a decree *nisi*, not to be made absolute till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court, by general or special order from time to time directs.

During that period any person shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not being brought before the Court.

On cause being so shown, the Court shall deal with the case by making the decree absolute, or by



reversing the decree *nisi*, or by requiring further inquiry, or otherwise as justice may demand.

The High Court may order the costs of Counsel and witnesses and otherwise arising from such cause being shown, to be paid by the parties or such one or more of them as it thinks fit, including a wife if she have separate property.

Whenever a decree *nisi* has been made, and the petitioner fails, within a reasonable time, to move to have such decree made absolute, the High Court may dismiss the suit.

17. Every decree for a dissolution of marriage made by a District Judge shall be subject to confirmation by the High Court.

Cases for confirmation of a decree for dissolution of marriage shall be heard (where the number of the Judges of the High Court is three or upwards) by a Court composed of three such Judges, and in case of difference the opinion of the majority shall prevail, or (where the number of the Judges of the High Court is two) by a Court composed of such two Judges, and in case of difference the opinion of the Senior Judge shall prevail.

The High Court, if it think further enquiry or additional evidence to be necessary, may direct such enquiry to be made, or such evidence to be taken.

The result of such enquiry and the additional evidence shall be certified to the High Court by the District Judge, and the High Court shall thereupon make an order confirming the decree for dissolution of marriage, or such other order as to the Court seems fit.

Provided that no decree shall be confirmed under this section till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court by general or special order from time to time directs.

During the progress of the suit in the Court of the District Judge, any person suspecting that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce, shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to apply to the High Court to remove the suit under section eight, and the High Court shall thereupon, if it think fit, remove such suit and try and determine the same as a Court of original jurisdiction, and the provisions contained in section sixteen shall apply to every suit so removed: or it may direct the District Judge to take such steps in respect of the alleged collusion as may be necessary to enable him to make a decree in accordance with the justice of the case.

#### IV.—Nullity of Marriage.

18. Any husband or wife may present a petition to the District Court or to the High Court, praying that his or her marriage may be declared null and void.

19. Such decree may be made on any of the following grounds:—

(1.) That the respondent was impotent at the time of the marriage and at the time of the institution of the suit;

(2.) That the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity;

(3.) That either party was a lunatic or idiot at the time of the marriage;

(4.) That the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.

Nothing in this section shall affect the jurisdiction of the High Court to make decrees of nullity of marriage on the ground that the consent of either party was obtained by force or fraud.

20. Every decree of nullity of marriage made by a District Judge shall be subject to confirmation by the High Court, and the provisions of section seventeen, clauses one, two, three and four, shall *mutatis mutandis* apply to such decrees.

21. Where a marriage is annulled on the ground that a former husband or wife was living, and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when a marriage is annulled on the ground of insanity, children begotten before the decree is made shall be specified in the decree, and shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.

#### V.—Judicial Separation.

22. No decree shall hereafter be made for a divorce *a mensâ et toro*, but the husband or wife may obtain a decree of judicial separation, on the ground of adultery, or cruelty, or desertion without reasonable excuse for two years or upwards, and such decree shall have the effect of a divorce *a mensâ et toro* under the existing law, and such other legal effect as hereinafter mentioned.

23. Application for judicial separation on any one of the grounds aforesaid, may be made by either husband or wife by petition to the District Court or the High Court; and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

24. In every case of a judicial separation under this Act, the wife shall, from the date of the sentence, and whilst the separation continues, be considered as unmarried with respect to property of every description which she may acquire, or which may come to or devolve upon her.

Such property may be disposed of by her in all respects as an unmarried woman, and on her decease the same shall, in case she dies intestate, go as the same would have gone if her husband had been then dead:

Provided that, if any such wife again cohabits with her husband, all such property as she may be entitled to when such cohabitation takes place shall be held to her separate use, subject, how-



ever, to any agreement in writing made between herself and her husband whilst separate.

25. In every case of a judicial separation under this Act, the wife shall, whilst so separated, be considered as an unmarried woman for the purposes of contract, and wrongs and injuries, and suing and being sued in any civil proceeding; and her husband shall not be liable in respect of any contract, act or costs entered into, done, omitted or incurred by her during the separation.

Provided that where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife, and the same is not duly paid by the husband, he shall be liable for necessaries supplied for her use.

Provided also that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

#### *Reversal of Decree of Separation.*

26. Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may, at any time thereafter, present a petition to the Court by which the decree was pronounced, praying for a reversal of such decree, on the ground that it was obtained in his or her absence, and that there was reasonable excuse for the alleged desertion, where desertion was the ground of such decree.

The Court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly; but such reversal shall not prejudice or affect the rights or remedies which any other person would have had, in case it had not been decreed, in respect of any debts, contracts, or acts of the wife incurred, entered into, or done between the times of the sentence of separation and of the reversal thereof.

#### *VI.—Protection Orders.*

27. Any wife to whom the fourth section of the Indian Succession Act, 1865, does not apply, may, when deserted by her husband, present a petition to the District Court or the High Court, at any time after such desertion, for an order to protect any property which she may have acquired or may acquire, and any property of which she may have become possessed or may become possessed after such desertion, against her husband or his creditors, or any person claiming under him.

28. The Court, if satisfied of the fact of such desertion, and that the same was without reasonable excuse, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and other property from her husband and all creditors and persons claiming under him. Every such order shall state the time at which the desertion commenced, and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to such time.

29. The husband or any creditor of, or person claiming under, him may apply to the Court by which such order was made for the discharge or variation

thereof, and the Court, if the desertion has ceased, or if for any other reason it think fit so to do, may discharge or vary the order accordingly.

30. If the husband or any creditor of, or person claiming under, the husband seizes or continues to hold any property of the wife after notice of any such order, he shall be liable, at the suit of the wife (which she is hereby empowered to bring), to return or deliver to her the specific property, and also to pay her a sum equal to double its value.

31. So long as any such order of protection remains in force, the wife shall be and be deemed to have been, during such desertion of her, in the like position in all respects, with regard to property and contracts and suing and being sued, as she would be under this Act if she obtained a decree of judicial separation.

#### *VII.—Restitution of Conjugal Rights.*

32. When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, either wife or husband may apply, by petition to the District Court or the High Court, for restitution of conjugal rights, and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

33. Nothing shall be pleaded in answer to a petition for restitution of conjugal rights, which would not be ground for a suit for judicial separation or for a decree of nullity of marriage.

#### *VIII.—Damages and Costs.*

34. Any husband may, either in a petition for dissolution of marriage or damages from adulterer, for judicial separation, or in a petition to the District Court or the High Court limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

Such petition shall be served on the alleged adulterer and the wife, unless the Court dispenses with such service, or directs some other service to be substituted.

The damages to be recovered on any such petition shall be ascertained by the said Court, although the respondents or either of them may not appear.

After the decision has been given, the Court may direct in what manner such damages shall be paid or applied.

35. Whenever in any petition presented by a husband the alleged adulterer has been made a co-respondent, and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings:

Provided that the co-respondent shall not be ordered to pay the petitioner's costs

(1) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute, or

(2) if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman.

Whenever any application is made under section seventeen, the Court may, if it thinks that the applicant had no grounds or no sufficient grounds for intervening, order him to pay the whole or any part of the costs occasioned by the application.

#### IX.—Alimony.

36. In any suit under this Act, whether it be instituted by a husband or a wife and whether or not she has obtained an order of protection, the wife may present a petition for alimony pending the suit.

Such petition shall be served on the husband; and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it may deem just:

Provided that alimony pending the suit shall in no case exceed one-fifth of the husband's average nett income for the three years next preceding the date of the order, and shall continue, in case of a decree for dissolution of marriage or of nullity of marriage, until the decree is made absolute or is confirmed, as the case may be.

37. The High Court may, if it think fit, on any decree absolute declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife,

and the District Judge may, if he thinks fit, on the confirmation of any decree of his declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife, order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her own life, as, having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties, it thinks reasonable; and for that purpose may cause a proper instrument to be executed by all necessary parties.

In every such case the Court may make an order on the husband for payment to the wife of such monthly or weekly sums for her maintenance and support as the Court may think reasonable:

Provided that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part, as to the Court seems fit.

38. In all cases in which the Court makes any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient so to do.

#### X.—Settlements.

39. Whenever the Court pronounces a decree of dissolution of marriage or judicial separation for adultery of the wife, if it is made to appear to the Court that

the wife is entitled to any property, the Court may, if it think fit, order such settlement as it thinks reasonable to be made of such property or any part thereof, for the benefit of the husband, or of the children of the marriage, or of both.

Any instrument executed pursuant to any order of the Court at the time of or after the pronouncing of a decree of dissolution of marriage or judicial separation, shall be deemed valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

The Court may direct that the whole or any part of the damages recovered under section thirty-four shall be settled for the benefit of the children of the marriage, or as a provision for the maintenance of the wife.

40. The High Court, after a decree absolute for dissolution of marriage, or a decree of nullity of marriage,

and the District Court after its decree for dissolution of marriage or of nullity of marriage has been confirmed,

may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or a portion of the property settled, whether for the benefit of the husband or the wife, or of the children (if any) of the marriage, or of both children and parents, as to the Court seems fit:

Provided that the Court shall not make any order for the benefit of the parents or either of them at the expense of the children.

#### XI.—Custody of Children.

41. In any suit for obtaining a judicial separation the Court may from time to time, before making its decree, make such interim orders, and may make such provision in the decree, as it deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of such suit, and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the said Court.

42. The Court, after a decree of judicial separation, may upon application (by petition) for this purpose make, from time to time, all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree or by interim orders in case the proceedings for obtaining such decree were still pending.

43. In any suit for obtaining a dissolution of marriage or a decree of nullity of marriage instituted in, or removed to, a High Court, the Court may from time to time, before making its decree absolute or its decree (as the case may be)



make such interim orders, and may make such provision in the decree absolute or decree,

and in any such suit instituted in a District Court, the Court may from time to time, before its decree is confirmed, make such interim orders and may make such provision on such confirmation,

as the High Court or District Court (as the case may be) deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the suit;

and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the Court.

Power to make such orders after decree or confirmation.

\* 44. The High Court after a decree absolute for dissolution of marriage or a decree of nullity of marriage,

and the District Court after a decree for dissolution of marriage or of nullity of marriage has been confirmed,

may, upon application by petition for the purpose, make from time to time all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree absolute or decree (as the case may be), or by such interim orders as aforesaid.

#### XII.—Procedure.

45. Subject to the provisions herein contained, all proceedings under this Act between party and party shall be regulated by the Code of Civil Procedure.

46. The forms set forth in the schedule to this Act, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule.

47. Every petition under this Act for a decree of dissolution of marriage, or of nullity of marriage, or of judicial separation, or of reversal of judicial separation, or for restitution of conjugal rights, or for damages, shall bear a stamp of five rupees, and shall, in the first, second and third cases mentioned in this section, state that there is not any collusion or connivance between the petitioner and the other party to the marriage.

The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in manner required by law for the verification of complaints, and may at the hearing be referred to as evidence.

48. When the husband or wife is a lunatic or idiot, any suit under this Act (other than a suit for restitution of conjugal rights) may be brought on his or her behalf by the committee or other person entitled to his or her custody.

49. Where the petitioner is a minor, he or she shall sue by his or her next friend to be approved by the Court; and no petition presented by a minor under this Act shall be filed until the next friend has undertaken in writing to be answerable for costs.

Such undertaking shall bear a stamp of eight annas and shall be filed in Court, and the next friend shall thereupon be liable in the same manner and to the same extent as if he were a plaintiff in an ordinary suit.

50. Every petition under this Act shall be served on the party to be affected thereby, either within or without British India, in such manner as the High Court by general or special order from time to time directs:

Provided that the Court may dispense with such service altogether in case it seems necessary or expedient so to do.

51. The witnesses in all proceedings before the Court, where their attendance can be had, shall be examined orally, and any party may offer himself or herself as a witness, and shall be examined, and may be cross-examined and re-examined, like any other witness:

Provided that the parties shall be at liberty to verify their respective cases in whole or in part by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, or by direction of the Court, be subject to be cross-examined by or on behalf of the opposite party orally, and after such cross-examination may be re-examined orally as aforesaid by or on behalf of the party by whom such affidavit was filed.

52. On any petition presented by a wife, praying that her marriage may be dissolved by reason of her husband having been guilty of adultery coupled with cruelty, or of adultery coupled with desertion without reasonable excuse, the husband and wife respectively shall be competent and compellable to give evidence of or relating to such cruelty or desertion.

53. The whole or any part of any proceeding under this Act may be heard, if the Court thinks fit, with closed doors.

54. The Court may from time to time adjourn the hearing of any petition under this Act, and may require further evidence thereon if it sees fit so to do.

55. All decrees and orders made by the Court in any suit or proceeding under this Act shall be enforced and may be appealed from in the like manner as the decrees and orders of the Court made in the exercise of its original civil jurisdiction are enforced and may be appealed from under the laws, rules and orders for the time being in force:

Provided that there shall be no appeal from a decree of a District Judge for dissolution of



marriage or of nullity of marriage: nor from the order of the High Court confirming or refusing to confirm such decree.

No appeal as to costs. Provided also that there shall be no appeal on the subject of costs only.

56. Any person may appeal to Her Majesty in Council from any decree (other than a decree *nisi*) or order under this Act of a High Court made on appeal or otherwise,

and from any decree (other than a decree *nisi*) or order made in the exercise of original jurisdiction by Judges of a High Court or of any Division Court from which an appeal shall not lie to the High Court,

when the High Court declares that the case is a fit one for appeal to Her Majesty in Council.

### XIII.—Re-marriage.

57. When six months after the date of an order of a High Court confirming the decree for a dissolution of marriage made by a District Judge have expired,

or when six months after the date of any decree of a High Court dissolving a marriage have expired, and no appeal has been presented against such decree to the High Court in its appellate jurisdiction,

or when any such appeal has been dismissed, or when in the result of any such appeal any marriage is declared to be dissolved,

but not sooner, it shall be lawful for the respective parties to the marriage to marry again, as if the prior marriage had been dissolved by death:

Provided that no appeal to Her Majesty in Council has been presented against any such order or decree.

When such appeal has been dismissed, or when in the result thereof the marriage is declared to be dissolved, but not sooner, it shall be lawful for the respective parties to the marriage to marry again as if the prior marriage had been dissolved by death.

58. No clergyman in Holy Orders of the United Church of England and Ireland shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty or censure for solemnizing or refusing to solemnize the marriage of any such person.

59. When any Minister of any Church or Chapel of the said United Church refuses to perform such marriage-service between any persons who but for such refusal would be entitled to have the same service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy Orders of the said Church, entitled to officiate within the diocese in which such Church or Chapel is situate, to perform such marriage-service in such Church or Chapel.

### XIV.—Miscellaneous.

60. Every decree for judicial separation or order to protect property obtained by a wife under this Act shall, until reversed or discharged, be deemed valid, so far as necessary for the protection of any person dealing with the wife.

No reversal, discharge or variation of such decree or order shall affect any rights or remedies which any person would otherwise have had in respect of any contracts or acts of the wife entered into or done between the dates of such decree or order, and of the reversal, discharge or variation thereof.

All persons who in reliance on any such decree or order make any payment to, or permit any transfer or act to be made or done by, the wife who has obtained the same shall, notwithstanding such decree or order may then have been reversed, discharged or varied, or the separation of the wife from her husband may have ceased, or at some time since the making of the decree or order been discontinued, be protected and indemnified as if, at the time of such payment, transfer or other act, such decree or order were valid and still subsisting without variation, and the separation had not ceased or been discontinued,

unless, at the time of the payment, transfer or other act, such persons had notice of the reversal, discharge or variation of the decree or order or of the cessation or discontinuance of the separation.

61. After this Act comes into operation, no person competent to present a petition under sections two and ten shall maintain a suit for criminal conversation with his wife.

62. The High Court shall make such rules under this Act as it may from time to time consider expedient, and may from time to time alter and add to the same.

Provided that such rules, alterations and additions are consistent with the provisions of this Act and the Code of Civil Procedure.

All such rules, alterations and additions shall be published in the local Official Gazette.

### SCHEDULE OF FORMS.

No. 1.—PETITION by husband for a dissolution of marriage with damages against co-respondent, by reason of adultery.

(See Sections 10 and 34).

In the (High) Court of  
To the Hon'ble Mr. Justice [or To the  
Judge of ]  
The day of 186 .  
The petition of A. B. of

SHEWETH,

1. That your petitioner was on the day of ,  
one thousand eight hundred and , lawfully

married to C. B., then C. D., spinster at . (a)

2. That from his said marriage, your petitioner lived and cohabited with his said wife at and at , in , and lastly at in , and that your petitioner and his said wife have had issue of their said marriage, five children, of whom two sons only survive, aged respectively twelve and fourteen years.

3. That during the three years immediately preceding the day of , one thousand eight hundred and , X. Y. was constantly, with few exceptions, residing in the house of your petitioner at aforesaid, and that on divers occasions during the said period, the dates of which are unknown to your petitioner, the said C. B. in your petitioner's said house committed adultery with the said X. Y.

4. That no collusion or connivance exists between me and my said wife for the purpose of obtaining a dissolution of our said marriage or for any other purpose.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a dissolution of the said marriage, and that the said X. Y. do pay the sum of Rs. 5,000 as damages by reason of his having committed adultery with your petitioner's said wife, such damages to be paid to your petitioner, or otherwise paid or applied as to this (Hon'ble) Court seems fit.

(Signed) A. B. (b)

*Form of Verification.*

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

*No. 2.—Respondent's statement in answer to No. 1.*

In the Court of the day of  
Between A. B., petitioner,  
C. B., respondent, and  
X. Y., co-respondent.

C. B., the respondent, by D. E. her attorney [or vakil] in answer to the petition of A. B. says that she denies that she has on divers or any occasions committed adultery with X. Y., as alleged in the third paragraph of the said petition.

Wherefore the respondent prays that this (Hon'ble) Court will reject the said petition.

C. B.

*No. 3.—Co-respondent's statement in answer to No. 1.*

In the (High) Court of  
The day of  
Between A. B., petitioner,  
C. B., respondent, and  
X. Y., co-respondent.

X. Y., the co-respondent, in answer to the petition filed in this cause saith that he denies that

- (a). If the marriage was solemnized out of India the adultery must be shown to have been committed in India.  
(b). The petition must be signed by the petitioner.

he committed adultery with the said C. B. as alleged in the said petition.

Wherefore the said X. Y. prays that this (Hon'ble) Court will reject the prayer of the said petitioner and order him to pay the costs of and incident to the said petition.

X. Y.

*No. 4.—PETITION for Decree of Nullity of Marriage.*

(See Section 18).

In the (High) Court of

To the Hon'ble Mr. Justice [or To the Judge of ]

The day of , 186 .  
The petition of A. B. falsely called A. D.,

SHEWETH,

1. That on the day of , one thousand eight hundred and , your petitioner, then a spinster, eighteen years of age, was married in fact, though not in law, to C. D., then a bachelor of about thirty years of age, at [some place in India].

2. That from the said day of , one thousand eight hundred and , until the month of , one thousand eight hundred and , your petitioner lived and cohabited with the said C. D., at divers places, and particularly at aforesaid.

3. That the said C. D. has never consummated the said pretended marriage by carnal copulation.

4. That at the time of the celebration of your petitioner's said pretended marriage, the said C. D. was, by reason of his impotency or malformation, legally incompetent to enter into the contract of marriage.

5. That there is no collusion or connivance between her and the said C. D. with respect to the subject of this suit.

Your petitioner therefore prays that this (Hon'ble) Court will declare that the said marriage is null and void.

*Form of Verification: See No. 1.*

*No. 5.—PETITION by wife for judicial separation on the ground of her husband's adultery.*

(See Section 22.)

In the (High) Court of  
To the Hon'ble Mr. Justice [or To the Judge of ]

The day of 186 .  
The petition of C. B., of  
the wife of A. B.

SHEWETH,

1. That on the day of , one thousand eight hundred and sixty, your petitioner, then C. D., was lawfully married to A. B. at the Church of , in the

2. That after her said marriage, your petitioner cohabited with the said A. B. at \_\_\_\_\_ and at \_\_\_\_\_, and that your petitioner and her said husband have issue living of their said marriage, three children, to wit, &c., &c. (a).

3. That on divers occasions in or about the months of August, September and October, one thousand eight hundred and sixty-eight, the said A. B., at \_\_\_\_\_, aforesaid, committed adultery with E. F., who was then living in the service of the said A. B. and your petitioner at their said residence \_\_\_\_\_ aforesaid.

4. That on divers occasions in the months of October, November, and December, one thousand eight hundred and sixty-eight, the said A. B., at \_\_\_\_\_, aforesaid, committed adultery with G. H., who was then living in the service of the said A. B. and your petitioner at their said residence \_\_\_\_\_ place aforesaid.

5. That no collusion or connivance exists between your petitioner and the said A. B. with respect to the subject of the present suit.

Your petitioner therefore prays that this (Hon'ble) Court will decree a judicial separation to your petitioner from her said husband by reason of his aforesaid adultery.

(Signed) C. B. (b).

Form of Verification: See No. 1.

No. 6.—Statement in answer to No. 5.

In the (High) Court of

B. against B.

The \_\_\_\_\_ day of \_\_\_\_\_

The respondent, A. B., by W. Y., his attorney [or vakil] saith,—

1. That he denies that he committed adultery with E. F., as in the 3rd paragraph of the petition alleged.

2. That the petitioner condoned the said adultery with E. F., if any.

3. That he denies that he committed adultery with G. H., as in the 4th paragraph of the petition alleged.

4. That the petitioner condoned the said adultery with G. H., if any.

Wherefore this respondent prays that this (Hon'ble) Court will reject the prayer of the said petition.

No. 7.—Statement in reply to No. 6.

In the (High) Court of

B. against B.

The \_\_\_\_\_ day of \_\_\_\_\_

The petitioner, C. B., by her attorney [or vakil] says—

1. That she denies that she condoned the said adultery of the respondent with E. F. as in the 2nd paragraph of the statement in answer alleged.

(a).—State the respective ages of the children.

(b).—The petition must be signed by the petitioner.

2. That even if she had condoned the said adultery, the same has been revived by the subsequent adultery of the respondent with G. H. as set forth in the 4th paragraph of the petition.

No. 8.—PETITION for a judicial separation by reason of cruelty.

(See Section 22).

In the (High) Court of

To the Hon'ble Mr. Justice [or To the Judge of \_\_\_\_\_]

The \_\_\_\_\_ day of \_\_\_\_\_ 188 \_\_\_\_\_.

The petition of A. B. (wife of C. B.) of \_\_\_\_\_

SHEWETH,

1. That on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, your petitioner then A. D., spinster, was lawfully married to C. B., at \_\_\_\_\_.

2. That from her said marriage, your petitioner lived and cohabited with her said husband at \_\_\_\_\_ until the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, when your petitioner separated from her said husband as hereinafter more particularly mentioned, and that your petitioner and her said husband have had no issue of their said marriage.

3. That from and shortly after your petitioner's said marriage, the said C. B. habitually conducted himself towards your petitioner with great harshness and cruelty, frequently abusing her in the coarsest and most insulting language, and beating her with his fists, with a cane, or with some other weapon.

4. That on an evening in or about the month of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_, the said C. B. in the highway and opposite to the house in which your petitioner and the said C. B. were then residing at \_\_\_\_\_ aforesaid, endeavoured to knock your petitioner down, and was only prevented from so doing by the interference of F. D., your petitioner's brother.

5. That subsequently on the same evening, the said C. B. in his said house at \_\_\_\_\_ aforesaid, struck your petitioner with his clenched fist a violent blow on her face.

6. That on one Friday night in the month of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_, the said C. B., in \_\_\_\_\_, without provocation, threw a knife at your petitioner, thereby inflicting a severe wound on her right hand.

7. That on the afternoon of the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, your petitioner, by reason of the great and continued cruelty practised towards her by her said husband, with assistance withdrew from the house of her said husband to the house of her father at \_\_\_\_\_: that from and after the said \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, your petitioner hath lived separate and apart from her said husband, and hath never returned to his house or to cohabitation with him.



8. That there is no collusion or connivance between your petitioner and her said husband with respect to the subject of the present suit.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a judicial separation between your petitioner and the said C. B., and also order that the said C. B. do pay the costs of and incident to these proceedings.

(Signed) A. B.

*Form of Verification: See No. 1.*

*No. 9.—Statement in answer to No. 8.*

In the (High) Court of  
The day of  
Between A. B., petitioner, and  
C. B., respondent.

C. B., the respondent, in answer to the petition filed in this cause by W. J. his attorney [or vakil] saith that he denies that he has been guilty of cruelty towards the said A. B., as alleged in the said petition.

*No. 10.—PETITION for reversal of decree of separation.*

(See Section 24.)

In the (High) Court of  
To the Hon'ble Mr. Justice [or To the  
Judge of ]  
The day of 186 .  
The petition of A. B. of

SHWETH,

1. That your petitioner was on the day of lawfully married to .

2. That on the day of , this (Hon'ble) Court at the petition of , pronounced a decree affecting the petitioner to the effect following, to wit,—

[Here set out the decree].

3. That such decree was obtained in the absence of your petitioner, who was then residing at

[State facts tending to show that the petitioner did not know of the proceedings; and, further, that had he known he might have offered a sufficient defence].

or

That there was reasonable ground for your petitioner leaving his said wife, for that his said wife

[Here state any legal grounds justifying the petitioner's separation from his wife.]

Your petitioner, therefore, prays that this (Hon'ble) Court will reverse the said decree.

*Form of Verification: See No. 1.*

*No. 11.—Form of Petition for Protection-order.*  
(See Section 27.)

In the (High) Court of  
To the Hon'ble Mr. Justice [or To the  
Judge of ]  
The day of 186 .  
The petition of C. B., of  
the wife of A. B.

SHWETH,

That on the day of she was lawfully married to A. B., at

That she lived and cohabited with the said A. B. for years at , and also at , and hath had children, issue of her said marriage, of whom are now living with the applicant, and wholly dependent upon her earnings.

That on or about , the said A. B., without any reasonable cause, deserted the applicant, and hath ever since remained separate and apart from her.

That since the desertion of her said husband, the applicant hath maintained herself by her own industry [or on her own property, as the case may be], and hath thereby and otherwise acquired certain property, consisting of [here state generally the nature of the property].

Wherefore she prays an order for the protection of her earnings and property acquired since the said day of , from the said A. B., and from all creditors and persons claiming under him.

*No. 12.—PETITION for alimony pending the suit.*  
(See Section 36.)

In the (High) Court of  
B. against B.  
To the Hon'ble Mr. Justice [or To the  
Judge of ]  
The day of 186 .  
The petition of C. B., the lawful wife of A. B.

SHWETH,

1. That the said A. B. has for some years carried on the business of , at , and from such business derives the net annual income of from Rs. 4,000 to Rs. 5,000.

2. That the said A. B. is possessed of plate, furniture, linen, and other effects, at his said house, aforesaid, all of which he acquired in right of your petitioner as his wife, or purchased with money he acquired through her, of the value of Rs. 10,000.

3. That the said A. B. is entitled, under the will of his father, subject to the life interest of his mother therein, to property of the value of Rs. 5,000 or some other considerable amount (a).

Your petitioner, therefore, prays that this (Hon'ble) Court will decree such sum or sums of money by way of alimony, pending the suit, as to this (Hon'ble) Court may seem meet.

(Signed) C. B.

*Form of Verification: See No. 1.*

(a).—The petitioner should state her husband's income as accurately as possible.

## No. 13.—Statement in answer to No. 12.

In the (High) Court of  
B. against B.

A. B. of \_\_\_\_\_, the above-named respondent, in answer to the petition for alimony pending the suit of C. B., says,—

1. In answer to the first paragraph of the said petition, I say that I have for the last *three* years carried on the business of \_\_\_\_\_, at \_\_\_\_\_ and that from such business, I have derived a net annual income of Rs. 900, but less than Rs. 1,000.

2. In answer to the 2nd paragraph of the said petition, I say that I am possessed of plate, furniture, linen, and other chattels and effects at my said house, aforesaid, of the value of Rs. 7,000, but as I verily believe of no larger value. And I say that a portion of the said plate, furniture, and other chattels and effects of the value of Rs. 1,500, belonged to my said wife before our marriage, but the remaining portions thereof I have since purchased with my own monies. And I say that, save as hereinbefore set forth, I am not possessed of the plate and other effects as alleged in the said paragraph in the said petition, and that I did not acquire the same as in the said petition also mentioned.

3. I admit that I am entitled under the will of my father, subject to the life-interest of my mother therein, to property of the value of Rs. 5,000, that is to say, I shall be entitled under my said father's will, upon the death of my mother, to a legacy of Rs. 7,000, out of which I shall have to pay to my father's executors the sum of Rs. 2,000 the amount of a debt owing by me to his estate, and upon which debt I am now paying interest at the rate of five per cent. per annum.

4. And, in further answer to the said petition, I say that I have no income whatever except that derived from my aforesaid business, that such income, since my said wife left me, which she did on

the \_\_\_\_\_ day of \_\_\_\_\_ last, has been considerably diminished, and that such diminution is likely to continue. And I say that out of my said income, I have to pay the annual sum of Rs. 100 for such interest as aforesaid to my late father's executors, and also to support myself and my two eldest children.

5. And, in further answer to the said petition, I say that when my wife left my dwelling-house on the \_\_\_\_\_ day of \_\_\_\_\_ last, she took with her, and has ever since withheld and still withholds from me, plate, watches, and other effects in the 2nd paragraph of this my answer mentioned, of the value of, as I verily believe, Rs. 800 at the least; and I also say that within five days of her departure from my house as aforesaid, my said wife received bills due to me from certain lodgers of mine, amounting in the aggregate to Rs. \_\_\_\_\_, and that she has ever since withheld and still withholds from me the same sum.

(Signed) A. B.

## No. 14.—Form of undertaking by minor's next friend to be answerable for respondent's costs.

(See Section 49).

In the (High) Court of

I, the undersigned A. B., of \_\_\_\_\_ being the next friend of C. D. who is a minor, and who is desirous of filing a petition in this Court, under the Indian Divorce Act, against D. D. of \_\_\_\_\_ hereby undertake to be responsible for the costs of the said D. D. in such suit, and that if the said C. D. fail to pay to the said D. D. when and in such manner as the Court shall order all such costs of such suit as the Court shall direct him [or her] to pay to the said D. D., I will forthwith pay the same to the proper officer of this Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 186 \_\_\_\_\_.

(Signed) A. B.

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WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.  
 for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th February 1869, and is hereby promulgated for general information :—

ACT NO. V OF 1869.

## THE INDIAN ARTICLES OF WAR.

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*An Act to consolidate and amend the Articles of War for the government of Her Majesty's Native Indian Forces.*

##### *Preamble.*

WHEREAS it is expedient to consolidate and amend the Articles of War for the government of the Native Officers, Soldiers and other persons in Her Majesty's Indian Army; It is hereby enacted as follows:—

#### PART I.—PRELIMINARY.

##### (a).—*Short Title.*

This Act may be called "The Indian Articles of War."

##### (b).—*Commencement of Act.*

This Act shall come into operation on the first day of June 1869.

##### (c).—*Repeal of Enactments.*

From such day the first section of Act No. XXV of 1857 (to render Officers and Soldiers in the Native

*Army liable to forfeiture of property for Mutiny, and to provide for the adjudication and recovery of forfeitures of property in certain cases), Act No. XXIX of 1861 (to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army), Act No. V of 1863 (to amend Act XXIX of 1861), and Act No. XXVI of 1865 (to amend Act XXIX of 1861) shall be repealed:*

Provided that all crimes and offences committed against any Articles of War repealed by this Act may be enquired into and punished in like manner as if they had been committed against the Articles of War contained in this Act, and that any warrant for holding Courts Martial, issued under any Act hereby repealed, shall remain in full force, notwithstanding such repeal:

Provided also, that no proceedings in any trial begun under any Articles so repealed, shall be discontinued owing to such repeal, but every such trial shall proceed and be completed in the same manner as if this Act had not been passed.

References to any Act hereby repealed or any Act passed subsequently thereto shall be read as if made to this Act.

##### (d).—*Application of Articles.*

The Articles contained in Part II of this Act shall apply to all

Commissioned Officers,  
 Sub-Assistant Surgeons,  
 Hospital Assistants,  
 Native Doctors,  
 Warrant Officers,  
 Non-Commissioned Officers,  
 Hospital Attendants of any class,  
 Trumpeters, Buglers, Drummers,  
 Musicians,  
 Soldiers,  
 Unattested Recruits,  
 Lascars, Mahouts, Drivers,  
 Farriers, Syces, Grass-cutters,  
 Artificers, Labourers,

Sutlers, Followers whether public or private, and all other persons attached to or serving with any portion of the said Army:

##### *Proviso.*

Provided that nothing in the said Part (other than Article 123) shall render any British-born subject of Her Majesty, or any legitimate Christian lineal descendant of such subject, whether in the paternal or maternal line, triable or punishable under the said Part, but all such persons belonging to Her Majesty's Indian Army shall be triable and punishable as if they belonged to Her Majesty's British Forces.

And that nothing in the said Part shall render any American or any Christian European not being British-born, or any Christian legitimate lineal descendant of such American or European, whether in the paternal or maternal line, triable by a Court Martial composed of Native Commissioned Officers; but all such persons belonging to Her Majesty's Indian Army shall be triable by Courts Martial composed of European Officers only. Save as aforesaid, such persons shall be subject to this Act as if they were Natives of British India.

##### (e).—*Interpretation-clause.*

In this Act, unless there be something repugnant in the subject or context—

"Army" means Her Majesty's Indian Army, and "service" means service in such Army:



"Commissioned Officer" includes all Officers holding Commissions in the Native ranks of the Army, whether they be of purely Native or of a mixed European and Native extraction:

"European Officers" includes all European Officers holding Commissions in such Army or in Her Majesty's British Army:

"Commanding Officer" or "Officer Commanding" means the European Officer in actual command for the time being of any Force, Division, District, Regiment, Corps, Detachment, or Depôt, as the case may be:

"Judge Advocate" includes any European Officer duly authorized to officiate as Judge Advocate:

"Court Martial" means a Court Martial held under this Act, and in Articles 67, 68, 69 and 123 shall include a Court Martial held under the Act for punishing mutiny and desertion and for the better payment of the Army and their quarters for the time being in force:

"Soldier" and "Soldiers" include Non-Commissioned Officers and all armed persons doing duty in the ranks of the Army:

"Attested" means attested under the Articles contained in Part II of this Act:

"Deserter" means a person subject to such Articles, who has deserted from the Army:

"Government" means, in the case of the Madras Army, the Governor of Fort Saint George in Council, in the case of the Bombay Army, the Governor of Bombay in Council, and in the case of any other part of Her Majesty's Indian Army, the Governor General of India in Council;

And the expressions "assault," "criminal force," "dishonestly," "extortion," "fraudulently," "grievous hurt," "hurt," "theft," "voluntarily causes hurt," "voluntarily causes grievous hurt," "reason to believe," "wrongful gain" and "wrongful loss" shall be severally taken to have the meanings assigned to them respectively in the Indian Penal Code, and quoted in Part I of the Appendix to this Act.

#### (f).—*Saving of certain Regulations.*

Nothing in this Act affects any regulations by which the respective offices and powers of Cantonment Magistrates, Commissariat Officers, Officers in charge of the Police in Cantonments, and Superintendents of Military Bázars are defined and controlled, or by which Pancháyats are constituted and guided.

### PART II.—THE ARTICLES OF WAR.

#### TITLE I.—ENLISTMENT, DISMISSAL AND DISCHARGE.

##### CHAPTER I.—*Enlistment.*

##### *Articles to be read to Recruits.*

Article 1.—Every person prior to being enrolled in any Regiment or Corps shall have the 7th 8th, 9th, 10th, 11th, 24th, 38th, and 53rd of these Articles read and explained to him.

##### *Affirmation.*

When reported fit for duty, such declaration or charge as may be usual shall be made to him, by the Officer Commanding, in front of the Regiment or Corps, or of such portion thereof as shall be present; and the person shall then make the following affirmation:—

"I, \_\_\_\_\_, inhabitant of \_\_\_\_\_, son of \_\_\_\_\_, solemnly affirm in the

"presence of Almighty God that I will be faithful to Her Majesty the Queen, Her heirs and successors, and will go wherever I am ordered, by land or sea, and will obey all commands of the Officers set over me, even to the peril of my life."

##### *Attestation.*

Article 2.—All persons of the following classes, hereafter enlisted or enrolled under these Articles, shall be attested according to the regulations of the Government to which they are respectively subject:—Sub-Assistant Surgeons, Hospital Assistants, Native Doctors, Warrant Officers of any Department, Trumpeters, Buglers, Drummers, Musicians, Soldiers, Lascars, Mahouts, Drivers, Farriers, Syces, and Grass-cutters.

Articles 3, 4, 5, 7 to 71 (both inclusive), 90 to 94 (both inclusive), 130 to 139 (both inclusive), 154, 167 and 176 shall be read to every person enlisted or enrolled under these Articles at the time of his attestation.

### CHAPTER II.—*Dismissal and Discharge.*

##### *Dismissal of Commissioned Officers.*

Article 3.—A Commissioned Officer shall be liable to dismissal from the service by the sentence of a General Court Martial, or by order of the Governor General of India in Council, or of the Commander-in-Chief of the Presidency to which he belongs, or if the Officer belongs to either of the Presidencies of Fort St. George or Bombay, of the Governor in Council of such Presidency.

Every Commissioned Officer dismissed under these Articles shall forfeit all claim to pension.

##### *Dismissal of other persons.*

Article 4.—Any person subject to these Articles, other than a Commissioned Officer, shall be liable to dismissal from the service

by the sentence of any Court Martial empowered to try him,

or by order of the Governor General of India in Council, or of the Commander-in-Chief of the Presidency to which he belongs,

or if he belongs to either of the Presidencies of Fort St. George and Bombay, by order of the Governor in Council,

or if he belongs to a Force not attached to any such Presidency, by order of the Officer Commanding such Force.

Every such person so dismissed shall forfeit all claim to pension.

##### *Attested person dismissed and re-enlisting.*

Article 5.—Every attested person of or below the rank of Non-Commissioned Officer who has been dismissed or discharged from the service, and who subsequently re-enters the service without at the time stating the fact of his dismissal or discharge, or showing his certificate of dismissal or discharge, may be dismissed the service by the Officer Commanding the regiment or corps with which he is serving.

##### *Certificate to person dismissed.*

Article 6.—Every attested person who is dismissed or discharged from the service, shall be furnished by his Commanding Officer with a certificate, in the English language and in the mother-tongue of such person (when his mother-tongue is not English), setting forth



- (a) the authority dismissing or discharging him,  
 (b) the cause of his dismissal or discharge, and  
 (c) the full period of his service in the Army.

## TITLE II.—MILITARY OFFENCES.

### CHAPTER I.—Crimes punishable with Death or Transportation.

#### *Mutiny and Sedition.*

*Article 7.*—Any person subject to these Articles—

Who begins, excites, causes or joins in any mutiny or sedition in any regiment, corps, detachment, or guard;

or who, being present at any mutiny or sedition, does not use his utmost endeavours to suppress, the same,

or who, knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, or of any conspiracy against the State,

does not, without delay, give information thereof to his Commanding or other superior Officer;—or

#### *Violence to superior.*

*Article 8.*—Who uses or attempts to use criminal force to or commits an assault on his superior Officer, whether on or off duty, under any circumstances in which the superior Officer is distinguishable as such in any manner;—or

#### *Disobedience.*

*Article 9.*—Who disobeys the lawful command of his superior Officer;—or

#### *Desertion.*

*Article 10.*—Who deserts the service;—or

#### *Re-enlistment without having been discharged.*

*Article 11.*—Who, without having first obtained a regular discharge from the regiment or corps to which he belongs, enlists, or enrolls himself in any other regiment or corps;—or

#### *Sentry sleeping on or quitting post in time of war.*

*Article 12.*—Who, being a sentry in time of war or alarm, or over any State-prisoner, Treasure, magazine, or dockyard, sleeps upon his post, or quits it without being regularly relieved, or without leave;—or

#### *Sentry plundering.*

*Article 13.*—Who, being a sentry, or on guard, plunders or wilfully destroys or injures any property placed under his charge, or under charge of his guard;—or

#### *Abandoning garrison.*

*Article 14.*—Who shamefully abandons or delivers up any garrison, fortress, post or guard committed to his charge, or which it is his duty to defend;—or

#### *Betraying watch-word.*

*Article 15.*—Who treacherously makes known the watch-word to any person not entitled to receive it according to the rules and discipline of war;—or

#### *Corresponding with enemy.*

*Article 16.*—Who directly or indirectly holds correspondence with, or communicates intelligence to the enemy, or any person in arms against the State, or who, coming to the knowledge of any

such correspondence or communication, omits to discover it immediately to his commanding or other superior Officer;—or

#### *Assisting enemy.*

*Article 17.*—Who directly or indirectly assists or relieves with money, victuals or ammunition, or knowingly harbours or protects any enemy, or person in arms against the State;—or

#### *Releasing prisoners.*

*Article 18.*—Who, without proper authority, releases any State prisoner, enemy, or person taken in arms against the State, placed under his charge, or who negligently suffers any such prisoner, enemy or person to escape;—or

#### *Misbehaviour in presence of enemy.*

*Article 19.*—Who, in presence of an enemy, or of any persons in arms against whom it is his duty to act, shamefully casts away his arms or ammunition, or intentionally uses words or any other means to induce any Officer or soldier to abstain from acting against the enemy or to discourage such Officer or soldier from acting against the enemy, or who otherwise misbehaves;—or

#### *Seeking plunder during action.*

*Article 20.*—Who, in time of action, without authority, leaves his Commanding Officer, or his post, or colours, or party to go in search of plunder;—or

#### *Quitting guard in time of war.*

*Article 21.*—Who in time of war quits his guard, picket, party, or patrol, without being regularly relieved or without leave;—or

#### *Assaulting persons bringing provisions.*

*Article 22.*—Who in time of war, or during any military operation, uses criminal force to or commits an assault on any person bringing provisions or other necessities to the camp or quarters of any of Her Majesty's forces,

or forces a safeguard, or without authority breaks into any house or other place for plunder, or plunders, injures or destroys any field, garden or other property of any kind;—or

#### *Causing false alarm in time of war.*

*Article 23.*—Who in time of war, or during any military operation, intentionally occasions a false alarm in action, camp, garrison or quarters, or spreads reports by words or by letters calculated to create alarm or despondency;

#### *Punishment for the foregoing offences.*

*Article 24.*—Shall, on conviction, suffer death, or transportation for life or for a term of not less than seven years,

or imprisonment (with or without hard labour and with or without solitary confinement) for a term which may extend to fourteen years,

or such other punishment as a General Court Martial is, by these Articles, empowered to award.

Whenever any person is convicted under this section of an offence punishable with death, all his property, moveable and immoveable, shall be forfeited to Government.

### CHAPTER II.—Crimes punishable otherwise than by Death or Transportation.

#### *Unbecoming behaviour.*

*Article 25.*—Any Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer,

who behaves in a manner unbecoming his position and character;—and

*Intoxication on duty.*

Article 26.—Any person subject to these Articles,

who is in a state of intoxication when on or for any duty, or on parade, or on the line of march;—or

*Striking sentry.*

Article 27.—Who strikes, or forces or attempts to force any sentry;—or

*Harbouring deserter.*

Article 28.—Who knowingly harbours any deserter, or who, knowing or having reason to believe that any other person has deserted, or that any deserter has been harboured by any other person, does not immediately give notice to his own or some other superior Officer, or use his utmost endeavours to cause such deserter to be apprehended;—or

*Enlisting deserter.*

Article 29.—Who knowing or having reason to believe that a person is a deserter enlists him;—or

*Absence without leave.*

Article 30.—Who absents himself without leave, or, without sufficient cause, overstays leave granted to him;—or

*Failure to rejoin.*

Article 31.—Who, being on leave of absence and having received information from proper authority that his regiment or corps has been ordered on service, fails, without sufficient cause, to rejoin without delay;—or

*Failure to attend parade.*

Article 32.—Who, without sufficient cause, fails to appear at the time fixed at the parade or place appointed for exercise or duty;—or

*Quitting parade or division.*

Article 33.—Who, when on parade, or on the line of march, without sufficient cause, or without leave from his superior Officer, quits the parade or line of march;—or

*Quitting guard in time of peace.*

Article 34.—Who, in time of peace, quits his guard, picquet, or patrol, without being regularly relieved, or without leave;—or

*Refusing to receive or releasing prisoners.*

Article 35.—Who, being in command of a guard, picquet, or patrol, refuses to receive any prisoner duly committed to his charge, or without proper authority releases any prisoner or negligently suffers any prisoner to escape;—or

*Leaving arrest.*

Article 36.—Who, being under arrest, or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority;—or

*Insubordination.*

Article 37.—Who is grossly insubordinate or disrespectful to his superior Officer in the execution of his duty;—or

*Refusal to superintend military work.*

Article 38.—Who refuses to superintend or assist in any field-work, or other military work of any description, ordered to be made either in quarters or in the field;—or

work of any description, ordered to be made either in quarters or in the field;—or

*Impeding Provost Marshal.*

Article 39.—Who impedes a Provost Marshal or an Assistant Provost Marshal, or any person lawfully exercising authority, or refuses when called upon to assist such person when requiring aid in the execution of his duty;—or

*Striking subordinates.*

Article 40.—Who strikes or otherwise ill-treats any soldier or other person attested under these Articles being his subordinate in rank or position;—or

*Extortion.*

Article 41.—Who commits extortion, or without proper authority exacts from any person carriage, portage, or provisions;—or

*House-breaking or plundering in time of peace.*

Article 42.—Who, in time of peace, commits house-breaking for the purpose of plundering, or plunders, destroys, or damages any field, garden, or other property;—or

*Neglecting to compensate person injured by subordinate.*

Article 43.—Who, being in command at any post, or on the march, and receiving a complaint that any one under his command has beaten, or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person, or to report the case to the proper authority;—or

*Defiling places of worship.*

Article 44.—Who by defiling any place of worship or otherwise, intentionally insults the religion or wounds the religious feelings of any person;—or

*Taking bribes.*

Article 45.—Who directly or indirectly requires, accepts, or obtains, or agrees to accept, or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enlistment or enrolment of any person, or leave of absence, promotion, or any other advantage or indulgence for any person in the service;—or

*Causing false alarm in time of peace.*

Article 46.—Who in time of peace, by any means whatever, intentionally occasions a false alarm in camp, garrison, or cantonment;—or

*Making away with regimental necessaries.*

Article 47.—Who designedly or through neglect kills, injures or loses his horse or who dishonestly or fraudulently removes, conceals or delivers to any person, or who designedly or through neglect injures or loses his arms, clothes, tools, musical or surgical instruments, equipments, ammunition, accoutrements, or regimental necessaries, or any such articles entrusted to him, or belonging to any other person,

or who sells, pawns, destroys or defaces any medal or decoration granted to him by order of Her Majesty, or of the East India Company, or of the Governor-General of India in Council for service in the field, or for general good conduct;—or

*Attempting suicide.*

Article 48.—Who attempts to commit suicide, and does any act towards the commission of such offence;—and



*Appearing armed in camp.*

*Article 49.*—Any person subject to these Articles below the rank of Warrant Officer—

Who, when off duty, appears without proper authority in or about camp or cantonments, or in or about, or when going to, or returning from, any town or bazar, carrying a sword, bludgeon, or other offensive weapon;—or

*Sentry sleeping on post in time of peace.*

*Article 50.*—Who, being a sentry, in time of peace, sleeps upon his post, or leaves it before being regularly relieved, or without leave;—or

*Absence from camp.*

*Article 51.*—Who, without proper authority, is found two miles or upwards from camp;—or

*Absence from cantonment after tattoo.*

*Article 52.*—Who, without proper authority, is absent from his cantonment or lines after tattoo, or from camp after retreat-beating;

*Punishment for offences mentioned in Articles 25—52.*

*Article 53.*—Shall, on conviction by any Court Martial competent to try him, be sentenced to such punishment, other than death or transportation, as such Court is by these Articles empowered to award.

*CHAPTER III.—Crimes to be punished with dismissal from the service.**Embezzlement.*

*Article 54.*—Any person subject to these Articles—

Who dishonestly misappropriates or converts to his own use any money, provisions, forage, arms, clothing, ammunition, tools, instruments, equipments or military stores of any kind, the property of Government, entrusted to his charge on the public account, or for any military purpose,

or who dishonestly uses or disposes of such property in violation of any direction of a proper authority,

or who dishonestly receives or retains any such property, knowing or having reason to believe the same to have been dishonestly misappropriated or converted;—or

*Destruction of Government property.*

*Article 55.*—Who wilfully destroys or injures any property of Government entrusted to him on the public account, or for any military purpose;—or

*Giving false evidence.*

*Article 56.*—Who, having been duly sworn or affirmed before any Court Martial, or other Military Court competent to administer an oath of affirmation, makes any statement which is false, and which he either knows or believes to be false, or does not believe to be true;—

*Punishment for offences mentioned in Articles 54, 55, 56.*

*Article 57.*—Shall, if convicted by a General Court Martial, be sentenced to be dismissed from service and to forfeit any arrears of pay and allowances due to him at the time of dismissal; and shall be punishable also with imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to three years; and shall, if convicted by a District or Garrison Court Martial, be liable to any or

all of the penalties which such Court may inflict for disgraceful conduct.

*CHAPTER IV.—Disgraceful Conduct.**Malingering.*

*Article 58.*—Any person subject to Articles—

Who malingers or feigns, or produces disease, infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity;—

*Wilfully causing hurt.*

*Article 59.*—Who, with intent to render himself or any other person unfit for service, voluntarily causes hurt or voluntarily causes grievous hurt himself or any other person;—or

*Theft.*

*Article 60.*—Who commits theft in respect of any property of Government, or of any Officer or Soldier, or of any other person in the service, or of any military mess or band, or of any person serving with or attached to the Army, or who dishonestly receives or retains any such property, knowing having reason to believe it to be stolen;—or

*Embezzlement of Government property not entrusted on public account.*

*Article 61.*—Who dishonestly misappropriates or converts to his own use any property of Government entrusted to him for any purpose provided for in Articles 54 and 55,

or who dishonestly receives or retains any such property knowing or having reason to believe it to have been dishonestly misappropriated or converted;—or

*Obtaining pension by false statement or by false entry in any book or record, or by any document containing a false statement.*

*Article 62.*—Who obtains or attempts to obtain for himself, or for any other person, a pension, allowance, or other advantage or gratuity by a statement which is false and which he knows or has reason to believe to be false, or by making or causing to be made or entered in any book or record, or by any document containing a false statement, or by omitting to make a true entry or document containing a true statement;—or

*Furnishing false returns.*

*Article 63.*—Who knowingly furnishes a return or report of the number or state of arms, ammunition, clothing, equipments, or other property in his charge, whether be to such men, or to Government, or to any person in or attached to the Army, or who through culpable neglect omits or refuses to send any such return or report;—or

*Other fraudulent offences.*

*Article 64.*—Who does any other thing with intent to defraud, or to cause wrongful gain to any person, or wrongful loss to another person;—or

*Cruelty or Indecency.*

*Article 65.*—Who commits an offence which is cruel, indecent, or unnatural, or who attempts to commit any such offence towards its commission—

*Penalties for offences specified.*

*Article 66.*—May be tried by a Court Martial, and shall, on conviction



trict or Garrison Court Martial, be liable to any or all of the penalties awardable by such Court for disgraceful conduct.

#### CHAPTER V.—Offences against Courts Martial.

##### *Refusal to attend or be sworn.*

*Article 67.*—Any person subject to these Articles who, when duly summoned to attend as a witness before a Court Martial, intentionally omits to attend, or prevaricates, or refuses to be sworn or make affirmation, or to answer any question, or to produce or deliver up any book or document which he may have been duly warned and called upon to produce or deliver up;—or

##### *Contempts.*

*Article 68.*—Who intentionally offers any insult or causes any interruption or disturbance to, or uses any menacing or disrespectful word, sign or gesture, or is insubordinate or violent in the presence of a Court Martial while sitting;—

*Punishment for offences specified in Articles 67 and 68.*

*Article 69.*—Shall, on conviction by the same or by any other Court Martial which is competent to try the offender, be liable to such punishments as the convicting Court is, by these Articles, empowered to award.

#### CHAPTER VI.—Unspecified Offences

*Article 70.*—All offences not punishable with death, all neglects to obey any garrison or other orders, and all acts and omissions, of which any person subject to these Articles is accused shall, though not specified in these Articles, if they be prejudicial to good order and military discipline, taken cognizance of and punished according to the nature and degree of the offence, act or omission by any Court Martial empowered to try the person guilty of such offence, act or omission.

##### *Abetment.*

*Article 71.*—Every person subject to these Articles who abets, within the meaning of the Indian Penal Code, sections 107 and 108, any of the offences specified in Articles 7, 8, 10, 13, 14, 18 and 19, may be punished with the punishment hereinbefore provided for such offence.

Every such person who abets, within the meaning of the Indian Penal Code, sections 107 and 108, any other offence punishable under this Act, shall be punished

with imprisonment of any description provided by this Act for the offence so abetted for a term which may extend to one-half of the longest term of such imprisonment,

or with one-half of any other penalty awardable by the Court by which he is convicted,

or, if the offence is punishable with death or transportation for life, with transportation for a term not less than seven years or with imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to ten years.

The said sections of the Indian Penal Code are set forth in Part II of the Appendix to this Act.

#### TITLE III.—JURISDICTION.

#### CHAPTER I.—Courts Martial.

##### *Kinds of Courts Martial.*

*Article 72.*—For the purposes of these Articles, there shall be eight kinds of Courts Martial, (that is to say),—

- (1).—General Courts Martial.
- (2).—Detachment General Courts Martial.
- (3).—District Courts Martial.
- (4).—Garrison Courts Martial.
- (5).—Regimental Courts Martial.
- (6).—Regimental Detachment Courts Martial.
- (7).—Detachment Courts Martial, and
- (8).—Summary Courts Martial.

##### *(1).—General Court Martial.*

##### *Appointment of General Court Martial.*

*Article 73.*—A General Court Martial may be appointed—

(a).—By the Commander-in-Chief of a Presidency:

(b).—By any Officer authorized to appoint General Courts Martial by warrant of the Commander-in-Chief of a Presidency:

(c).—By any Officer in actual command of Native troops who is authorized to appoint General Courts Martial by order of the Governor General of India in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council:

(d).—By any Officer commanding Native troops not attached to the forces of a Presidency who is authorized to appoint General Courts Martial by warrant which the Governor General of India in Council has empowered the Commander-in-Chief in India to issue.

##### *Composition of such Court.*

*Article 74.*—Except as hereinafter provided, every General Court Martial shall, if held in British India, consist of not less than nine Commissioned Officers, but may, if held out of British India, consist of seven Commissioned Officers, if a greater number cannot be conveniently assembled.

##### *Composition of such Court appointed under Orders in Council.*

*Article 75.*—A General Court Martial appointed under the authority of an Order in Council shall consist of not less than five Commissioned Officers, and shall, if so provided in the Order, be composed either of European or of Native Commissioned Officers at the discretion of the Officer appointing it.

##### *Powers of such Court.*

*Article 76.*—A General Court Martial shall have power to try all persons subject to these Articles accused of mutiny or of any other offence punishable under this Act, and to pass sentences of Death,

Transportation for life or for any period not less than seven years,

Imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years,

Dismissal from the service,

*Appearing armed in camp.*

*Article 49.*—Any person subject to these Articles below the rank of Warrant Officer—

Who, when off duty, appears without proper authority in or about camp or cantonments, or in or about, or when going to, or returning from, any town or bazar, carrying a sword, bludgeon, or other offensive weapon;—or

*Sentry sleeping on post in time of peace.*

*Article 50.*—Who, being a sentry, in time of peace, sleeps upon his post, or leaves it before being regularly relieved, or without leave;—or

*Absence from camp.*

*Article 51.*—Who, without proper authority, is found two miles or upwards from camp;—or

*Absence from cantonment after tattoo.*

*Article 52.*—Who, without proper authority, is absent from his cantonment or lines after tattoo, or from camp after retreat-beating;

*Punishment for offences mentioned in Articles 25—52.*

*Article 53.*—Shall, on conviction by any Court Martial competent to try him, be sentenced to such punishment, other than death or transportation, as such Court is by these Articles empowered to award.

*CHAPTER III.—Crimes to be punished with dismissal from the service.**Embezzlement.*

*Article 54.*—Any person subject to these Articles—

Who dishonestly misappropriates or converts to his own use any money, provisions, forage, arms, clothing, ammunition, tools, instruments, equipments or military stores of any kind, the property of Government, entrusted to his charge on the public account, or for any military purpose,

or who dishonestly uses or disposes of such property in violation of any direction of a proper authority,

or who dishonestly receives or retains any such property, knowing or having reason to believe the same to have been dishonestly misappropriated or converted;—or

*Destruction of Government property.*

*Article 55.*—Who wilfully destroys or injures any property of Government entrusted to him on the public account, or for any military purpose;—or

*Giving false evidence.*

*Article 56.*—Who, having been duly sworn or affirmed before any Court Martial, or other Military Court competent to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false, or does not believe to be true;—

*Punishment for offences mentioned in Articles 54, 55, 56.*

*Article 57.*—Shall, if convicted by a General Court Martial, be sentenced to be dismissed from service and to forfeit any arrears of pay and allowances due to him at the time of dismissal; and shall be punishable also with imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to three years: and shall, if convicted by a District or Garrison Court Martial, be liable to any or

all of the penalties which such Court may in for disgraceful conduct.

*CHAPTER IV.—Disgraceful Conduct.**Malingering.*

*Article 58.*—Any person subject to Articles—

Who malingers or feigns, or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity;—

*Wilfully causing hurt.*

*Article 59.*—Who, with intent to render himself or any other person unfit for service, voluntarily causes hurt or voluntarily causes grievous hurt to himself or any other person;—or

*Theft.*

*Article 60.*—Who commits theft in respect of any property of Government, or of any Officer or Soldier, or of any other person in the service, or of any military mess or band, or of any person serving with or attached to the Army, or who dishonestly receives or retains any such property, knowing or having reason to believe it to be stolen;—or

*Embezzlement of Government property not entrusted on public account.*

*Article 61.*—Who dishonestly misappropriates or converts to his own use any property of Government entrusted to him for any purpose provided for in Articles 54 and 55,

or who dishonestly receives or retains any such property knowing or having reason to believe it have been dishonestly misappropriated or converted;—or

*Obtaining pension by false statement.*

*Article 62.*—Who obtains or attains for himself, or for any other person, pension, allowance, or other advantage or by a statement which is false and which he knows to be false, or has reason to believe to be false, or by making or using any entry in any book or record, or by any document containing a false statement omitting to make a true entry or document containing a true statement;—or

*Furnishing false returns.*

*Article 63.*—Who knowingly furnishes a return or report of the number or state of arms, ammunition, clothing, equipments, or other property in his charge, whether be to such men, or to Government, or to any in or attached to the Army, or who through culpable neglect omits or refuses to send any such return or report;—or

*Other fraudulent offences.*

*Article 64.*—Who does any other thing with intent to defraud, or to cause wrongful gain to a person, or wrongful loss to another person

*Cruelty or Indecency.*

*Article 65.*—Who commits any cruel, indecent, or unnatural act, or to commit any such offence towards its commission—

*Penalties for offences specified.*

*Article 66.*—May be tried by Court-martial, and shall, on conviction



et or Garrison Court Martial, be liable to any all of the penalties awardable by such Court for graceful conduct.

#### CHAPTER V.—Offences against Courts Martial.

##### *Refusal to attend or be sworn.*

*Article 67.*—Any person subject to these Articles who, when duly summoned to attend as a witness before a Court Martial, intentionally fails to attend, or prevaricates, or refuses to be sworn or make affirmation, or to answer any question, or to produce or deliver up any book or document which he may have been duly warned and called upon to produce or deliver up;—or

##### *Contempts.*

*Article 68.*—Who intentionally offers any insult or causes any interruption or disturbance to, or uses any menacing or disrespectful word, sign or gesture, or is insubordinate or violent in the presence of a Court Martial while sitting;—

*Punishment for offences specified in Articles 67 and 68.*

*Article 69.*—Shall, on conviction by the same or any other Court Martial which is competent to try the offender, be liable to such punishments as the convicting Court is, by these Articles, empowered to award.

#### CHAPTER VI.—Unspecified Offences

*Article 70.*—All offences not punishable with death, all neglects to obey any garrison or other orders, and all acts and omissions, of which any person subject to these Articles is accused, shall, though not specified in these Articles, if they be prejudicial to good order and military discipline, be taken cognizance of and punished according to the nature and degree of the offence, act or omission, by any Court Martial empowered to try the person guilty of such offence, act or omission.

##### *Abetment.*

*Article 71.*—Every person subject to these Articles who abets, within the meaning of the Indian Penal Code, sections 107 and 108, any of the offences specified in Articles 7, 8, 10, 13, 14, 18 and 19, may be punished with the punishment before provided for such offence.

Every such person who abets, within the meaning of the Indian Penal Code, sections 107 and 108, any other offence punishable under this Act, shall be punished

with imprisonment of any description provided in this Act for the offence so abetted for a term which may extend to one-half of the longest term of imprisonment,

or with one-half of any other penalty awardable by the Court by which he is convicted,

if the offence is punishable with death or for life, with transportation for a term not less than seven years or with imprisonment without hard labour, and with or without confinement for a term not exceeding ten years.

The said sections of the Indian Penal Code are in Part II of the Appendix to this Act.

#### TITLE III.—JURISDICTION.

#### CHAPTER I.—Courts Martial.

##### *Kinds of Courts Martial.*

*Article 72.*—For the purposes of these Articles, there shall be eight kinds of Courts Martial, (that is to say),—

- (1).—General Courts Martial.
- (2).—Detachment General Courts Martial.
- (3).—District Courts Martial.
- (4).—Garrison Courts Martial.
- (5).—Regimental Courts Martial.
- (6).—Regimental Detachment Courts Martial.
- (7).—Detachment Courts Martial, and
- (8).—Summary Courts Martial.

##### *(1).—General Court Martial.*

##### *Appointment of General Court Martial.*

*Article 73.*—A General Court Martial may be appointed—

(a).—By the Commander-in-Chief of a Presidency;

(b).—By any Officer authorized to appoint General Courts Martial by warrant of the Commander-in-Chief of a Presidency;

(c).—By any Officer in actual command of Native troops who is authorized to appoint General Courts Martial by order of the Governor General of India in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council;

(d).—By any Officer commanding Native troops not attached to the forces of a Presidency who is authorized to appoint General Courts Martial by warrant which the Governor General of India in Council has empowered the Commander-in-Chief in India to issue.

##### *Composition of such Court.*

*Article 74.*—Except as hereinafter provided, every General Court Martial shall, if held in British India, consist of not less than nine Commissioned Officers, but may, if held out of British India, consist of seven Commissioned Officers, if a greater number cannot be conveniently assembled.

##### *Composition of such Court appointed under Orders in Council.*

*Article 75.* A General Court Martial appointed under the authority of an Order in Council shall consist of not less than five Commissioned Officers, and shall if so provided in the Order, be composed either of European or of Native Commissioned Officers at the discretion of the Officer appointing it.

##### *Powers of such Court.*

*Article 76.*—A General Court Martial shall have power to try all persons subject to these Articles accused of mutiny or of any other offence punishable under this Act, and to pass sentences of Death,

Transportation for life or for any period not less than seven years,

Imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years,

Dismissal from the service,



Suspension from rank, pay and allowances for any stated period,

Degradation,

Loss of standing,

Reduction to the ranks,

Corporal punishment not exceeding fifty lashes,

Forfeiture of additional pay, good conduct pay, and claim to pension,

Forfeiture of arrears of pay and allowances,

Stoppages.

Whenever any person is convicted of any offence for which he shall be transported or sentenced to imprisonment for a term of seven years or upwards, the Court may adjudge that all the rents and profits of his moveable and immoveable estate during the period of his transportation or imprisonment shall be forfeited to Government, subject to such provision for his family and dependents as the Government may think fit to allow during such period.

(2).—*Detachment General Court Martial.*

*Appointment of such Court Martial.*

*Article 77.*—When any portion of Her Majesty's troops is serving in any place not in British India, and not within the dominions of the Princes and States of India in alliance with Her Majesty, wherein Her Majesty's forces are permanently stationed, a Detachment General Court Martial may be appointed:—

(a).—By the Commander-in-Chief of a Presidency:

(b).—By any Officer authorized to appoint Detachment General Courts Martial by warrant of the Commander-in-Chief of a Presidency;

(c).—By the Officer in actual command of such troops, upon complaint being made of an offence against the person or property of any resident of such place, committed by any person under such Officer's command and subject to these Articles.

*Its Composition and Powers.*

*Article 78.*—Such Court Martial shall consist of not less than three Commissioned Officers, and shall have the same powers as a General Court Martial.

(3).—*District Court Martial, and*

(4).—*Garrison Court Martial.*

*Appointment of such Courts.*

*Article 79.*—A District or Garrison Court Martial may be appointed—

(a).—By the Commander-in-Chief of any Presidency:

(b).—By any Officer authorized to appoint District or Garrison Courts Martial (as the case may be) by warrant of the Commander-in-Chief of any Presidency:

(c).—By any Officer in actual command of Native troops authorized to appoint District or Garrison Courts Martial (as the case may be) by order of the Governor General of India in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council:

(d).—By any Officer commanding Native troops not attached to the forces of a Presidency authorized to appoint District or Garrison Courts Martial (as the case may be) by warrant which the Governor General of India in Council has empowered the Commander-in-Chief in India to issue.

*Composition of such Courts.*

*Article 80.*—(a). Except as hereinafter provided, a District or Garrison Court Martial shall consist of seven Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than five such Officers.

(b). A District Court Martial appointed under the authority of an Order in Council, may consist of any number of Commissioned Officers not less than three; and may, if so provided in the Order, be composed either of European or of Native Commissioned Officers at the discretion of the Officer appointing it.

*Officers composing such Courts.*

*Article 81.*—A District or Garrison Court Martial may, when necessary, be composed wholly of Officers of the regiment or corps to which the accused belongs: Provided that on the trial of a Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer, not more than two Officers of the same regiment, corps, detachment, depot or department as the accused shall sit upon any such Court.

*Powers of such Courts.*

*Article 82.*—A District or Garrison Court Martial shall have power to try all persons subject to these Articles, other than Commissioned Officers, for any offence other than mutiny made punishable by these Articles, and to pass sentences of—

imprisonment (with or without hard labour with or without solitary confinement) for term not exceeding one year,

dismissal from the service,

suspension from rank, pay and allowances,

Degradation,

loss of standing,

reduction to the ranks,

corporal punishment not exceeding fifty lashes,

forfeiture of additional pay, good conduct

and claim to pension,

forfeiture of arrears of pay and allowances,

Stoppages.

(5).—*Regimental Court Martial.*

*Appointment of such Court.*

*Article 83.*—A Regimental Court Martial may be appointed by the Officer commanding the regiment or corps.

*Composition of such Court.*

*Article 84.*—A Regimental Court Martial shall consist of not less than five Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than three such Officers.

*Powers of such Court.*

*Article 85.*—A Regimental Court Martial shall have power to try—

(a).—All persons subject to these Articles, other than Commissioned Officers, Sub-Assistant Surgeons, Hospital Assistants, Native Doctors, Warrant Officers, for any offence other than desertion or disgraceful conduct, in these Articles, when committed on land, on board any vessel:

(b).—Any offence punishable by a District or Garrison Court Martial, other than desertion and disgraceful conduct, when committed by a person commanding the Division or District.

tried by a Regimental Court Martial; and  
 (e).—Any offence punishable under these Articles other than offences not within the ordinary jurisdiction of a Regimental Court Martial—  
 and to pass sentences of—  
 Dismissal,  
 Loss of standing,  
 Reduction to the ranks,  
 Imprisonment (with or without hard labour and with or without solitary confinement) for a term not exceeding six months,  
 Corporal punishment not exceeding fifty lashes,  
 Forfeiture of arrears of pay and allowances,  
 Stoppages.

*Regimental Detachment Court Martial, and*

*(7).—Detachment Court Martial.*

*Appointment of Regimental Detachment Court Martial.*

Article 86.—A Regimental Detachment Court Martial may be appointed by the Officer commanding a detachment of his own regiment or corps:

*Appointment of Detachment Court Martial.*

Article 87.—A Detachment Court Martial may be appointed,—

(a).—By the Officer commanding any Station, or Detachment of men of different regiments or corps;

(b).—By the Officer in command of any detachment when any offence not within the ordinary jurisdiction of a Regimental Court Martial (other than mutiny, desertion, or disgraceful conduct), is committed on the line of march, or on board any vessel.

*Composition of such Courts.*

Article 88.—A Regimental Detachment Court Martial and a Detachment Court Martial shall consist of not less than five Commissioned Officers, of which number cannot conveniently be ascertained in which case such Court may consist of not less than three Commissioned Officers.

*Powers of such Courts.*

Article 89.—A Regimental Detachment Court Martial and a Detachment Court Martial shall have the same powers as a Regimental Court Martial.

*(8).—Summary Courts Martial.*

Article 90.—(a).—Subject to the provisions and orders contained in Articles 91, 92, 93, 94, and 95, a Summary Court Martial may be appointed by the European Commissioned Officer who is in command, for the time being, of any regiment or corps,

or of any detachment consisting of, or equivalent in strength to, three troops or companies, or of any European corps or detachment to which the provisions of these Articles are applicable.

(b).—In charge of any arsenal, ordnance depot, or camp equipage depot.

(c).—In detached situations, beyond sea, or out of India, or on service in the field, or under circumstances where, immediate example being required, a Detachment Court Martial cannot be appointed as provided in Article 87, and reference is made to superior authority without detriment to the service, a Summary Court Martial may be appointed by the European Commissioned Officer commanding a detachment of any strength:

Provided that if the Officer is of less than five years' standing, he shall not carry into effect any sentence by such Court Martial, until it has received the approval of the nearest superior Military Officer holding a command of not less than a regiment.

*Constitution of such Courts.*

Article 91.—At every Summary Court Martial, the Commanding Officer holding it shall alone constitute the Court.

*Persons triable by such Court.*

Article 92.—No Commanding Officer shall have power to try by a Summary Court Martial any Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, or any person who is not liable to trial by Courts composed of Native Commissioned Officers; but all other persons subject to these Articles shall be liable to trial and punishment by a Summary Court Martial:

Provided that no person shall be so tried unless he is under the command of the Officer holding the trial.

*Offences triable by such Court.*

Article 93.—Any offence against these Articles, except mutiny, may be tried and punished by Summary Court Martial:

Provided that, when there is no emergent reason for immediate action, and reference can, without detriment to discipline, be made to superior military authority, a Commanding Officer shall not try by Summary Court Martial, without such reference, any of the following offences:—

Offences under Articles 8 to 23 both inclusive, ordinarily punishable by General Court Martial only:

Disgraceful offences under Articles 54, 55, 56, 60, 61 and 64; and

Offences against such Commanding Officer.

*Its powers.*

Article 94.—A Summary Court Martial held by any Officer Commanding a regiment or corps may award any sentence not exceeding that awardable by a District Court Martial.

A Summary Court Martial held by any Commanding Officer other than the Officer Commanding a regiment or corps, may award any sentence not exceeding that awardable by a Regimental or Detachment Court Martial.

*Trial of grave offences by inferior Courts.*

Article 95.—Save as provided by Article 85, clauses (a) and (b) and Article 89, no Commanding Officer shall try by a Regimental or Detachment Court Martial offences which are by these Articles declared to be punishable by a General, District or Garrison Court Martial only. But, as it may be expedient that some such offences should be tried by inferior Courts Martial, the Commanding Officer of any Regiment, Corps or Detachment shall, in every such instance, submit the case for the orders of the Officer Commanding the Division or District in which he is serving, and the Officer Commanding such Division or District, whether on or without such application, may direct trial by such kind of Court Martial as he thinks fit:

Provided that mutiny shall in no case be tried save by a General Court Martial, and that desertion and disgraceful conduct shall in no case be



tried by any Court Martial inferior to a District or Garrison Court Martial.

The permission to try grave offences by District or Garrison, Regimental or Detachment Courts Martial, shall be entered upon the proceedings of such Court, and in the monthly return of trials furnished to Army Head Quarters.

*Courts composed of European Officers.*

*Article 96.*—The Governor General of India, or the Governor of any Presidency, may, by an order in Council, direct that any Court Martial appointed under these Articles, shall be composed of European instead of Native Commissioned Officers, or authorize any General or other Officer to appoint Courts Martial so composed at his discretion.

Any such Court Martial shall in such case be constituted accordingly, but shall in all other respects be governed by these Articles.

*Claim to be tried by European Officers.*

*Article 97.*—With the exception of cases of trial by Courts Martial appointed under Orders in Council, every person subject to these Articles, who is under orders for trial by Court Martial, may claim to be tried by European Officers.

When any such claim is made, the Court, whether a General, District, Garrison, Regimental or Detachment Court Martial, shall be composed of European instead of Native Commissioned Officers; but shall in all other respects be governed by these Articles.

CHAPTER II.—*Procedure.*

*Limitation of trials.*

*Article 98.*—No person subject to these Articles shall be tried or punished by a Court Martial for any military offence after the expiration of three years from the date of such offence, unless the offender, by reason of absence or of some other manifest impediment, could not be arrested or confined and brought to trial within that period; in which case he shall be liable to be tried at any time not exceeding two years after such impediment shall have ceased.

*Place of trial.*

*Article 99.*—Any person subject to these Articles who commits any offence against them, may be tried and punished for such offence in any place whatever in the same manner as if the offence had been committed in such place.

*Arrest or confinement of accused.*

*Article 100.*—Whenever any person subject to these Articles is accused of any military offence which his Commanding or other superior Officer considers should be tried by Court Martial, such Officer shall order the accused, if not below the rank of Non-Commissioned Officer, to be placed in arrest, or if below such rank, to be put in confinement, until he can be tried by a Court Martial or discharged by proper authority.

No such person shall be detained in arrest or confinement longer than is necessary for the purposes of justice.

*Judge Advocate.*

*Article 101.*—It shall not be necessary to appoint a Judge Advocate to any General Court Martial appointed under the authority of an Order in Council. But every other General Court Martial shall be attended by a Judge Advocate, who

shall conduct the proceedings; and every District or Garrison, Regimental or Detachment Court Martial, composed of Native Commissioned Officers, shall be attended by an European Superintending Officer of not less than four years' service, who shall conduct the proceedings.

*Interpreter.*

*Article 102.*—An Interpreter shall be appointed to every Court Martial, and shall, when the Court is composed of Native Officers, form part of such Court.

If no duly qualified Interpreter is available at the station or place where the Court Martial sits, the Officer appointing the Court, or the Officer Commanding in the Division, District, or place within or at which the trial is to be held, shall appoint any competent person to perform the duty of interpreter.

When no other qualified or competent person is available, the Superintending Officer, or in the case of an European Court, the President, shall perform the duty of interpreter.

No interpreter shall as such have a vote upon any matter.

*President.*

*Article 103.*—At every Court Martial, whether composed of European or Native Commissioned Officers, the senior Officer shall sit as President, without special appointment as such.

In case of the death or unavoidable absence of the President, the next senior member shall take the place of President, without special appointment as such, and the trial shall proceed if the Court be still composed of the smallest number of members of which it is required by these Articles to consist.

*Conduct of Proceedings.*

*Article 104.*—In the case of any General Court Martial appointed under an Order in Council, or of any other Court Martial composed of European Commissioned Officers under Article 96 or 97, the President shall conduct the proceedings.

*Precedence of Native Officers.*

*Article 105.*—Risaldár Majors and Subandár Majors shall take precedence according to the dates of their commissions, and above all Subahdárs or Risaldárs.

Sirdár Bahádurs and Bahádurs shall take rank only according to their respective commissions of Risaldár Major, Subahdár Major, Risaldár, Risaldár, Subahdár, or Jemadár.

Risaldárs shall take rank with Subahdárs, according to the dates of their commissions as Risaldárs, or if they have not been Risaldárs then according to the dates of their commissions as Risaldárs.

*Time of Trial, Adjournment and Re-assembly.*

*Article 106.*—Trials by Courts Martial may be carried on at any time without restriction.

The date and hour of the Court's original assembly shall be fixed by, or under the orders of the convening Officer; but the adjournment and re-assembly of a Court Martial shall be determined by the Court itself.

*Challenges.*

*Article 107.*—At all trials by Courts Martial, other than Courts Martial appointed under an order in Council or Summary Courts Martial, as soon as the Court is assembled, the name of the President



and Members shall be read over to the prisoner, who shall thereupon be asked by the Officer conducting the proceedings, whether he objects to being tried by any Officer sitting on the Court.

If the prisoner objects to any such Officer, his objection and also the reply thereto of the Officer objected to, shall be heard and recorded, and the remaining Officers of the Court shall, in the absence of the challenged Officer, decide on the objection.

When no challenge is made, or when challenge has been made and disallowed, or the place of every Officer successfully challenged has been filled by another Officer to whom no objection is made or admitted, the Court shall proceed as hereinafter provided.

*Interpreter's oath.*

*Article 108.*—The Officer conducting the proceedings shall then administer to the Interpreter, or, when necessary, shall himself make as Interpreter, an affirmation or oath as follows:—

"I solemnly affirm, in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of this Court; and that I will not divulge the sentence until it shall have been published by authority; and, further, that I will not disclose or discover the vote or opinion of any particular member of the Court unless required to give evidence thereof by a Court of Justice or Court Martial, in due course of law."

When oath is made instead of affirmation, the oath shall commence—

"I do swear that I will faithfully interpret," &c., and shall be in all other respects in the above form, and shall end with the words, "So help me God."

*Oaths of President and Members.*

*Article 109.*—The Interpreter, or the Officer conducting the proceedings, shall then administer to the President and each of the Members of the Court Martial an affirmation or oath in such of the following forms as shall be appropriate:—

*For European Officers.*

"I solemnly affirm, in the presence of Almighty God, that I will duly administer justice, according to the Indian Articles of War, without partiality, favour or affection; and if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like cases; and that I will not divulge the sentence of the Court until it shall be published by authority; and, further, that I will not disclose or discover the vote or opinion of any particular member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial, in due course of law."

When oath is made instead of affirmation, the oath shall commence—

"I do swear that I will duly administer justice," &c., and shall be in all other respects in the above form, and shall end with the words "So help me God."

*For Native Officers of the Mussulman or Hindú religion, or of any other religion for which it may be appropriate.*

"I solemnly affirm, in the presence of Almighty God, that I will duly administer justice according to the Indian Articles

"of War, without partiality, favour or affection; and if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like cases; and that I will not divulge the sentence of the Court until it shall be published by authority; and, further, that I will not disclose or discover the vote or opinion of any particular member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial, in due course of law."

*Judge Advocate's oath.*

*Article 110.*—The Interpreter, or any other European Officer of the Court, shall then administer to the Judge Advocate, or Superintending Officer, the following affirmation or the following oath:—

"I solemnly affirm, in the presence of Almighty God, that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice or a Court Martial, in due course of law; and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the Court until it shall be published by authority."

When oath is made instead of affirmation, the oath shall commence—

"I do swear that I will not, upon any account whatsoever, disclose," &c., and shall be in all other respects in the above form, and shall end with the words "So help me God."

*Oaths of Witnesses.*

*Article 111.*—Every person giving evidence at a Court Martial shall be examined on oath, or on affirmation, where affirmation is appropriate and admissible, and shall be duly sworn or affirmed in such of the following forms as may be appropriate:—

*For Europeans and persons professing the Christian religion.*

"I do swear that what I shall state shall be the truth, the whole truth, and nothing but the truth." So help me God—

or,

"I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

*For Mussulman, Hindú, or other Native Witnesses.*

"I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

*Oaths to be binding on conscience.*

*Article 112.*—If none of the forms of oath or affirmation prescribed in Articles 108 to 111, both inclusive, are appropriate to any officer of a Court Martial or any witness, such officer or witness shall make oath or affirmation to the purport hereinbefore prescribed, in such form as the Court ascertains to be according to his religion or otherwise binding on his conscience.

*Re-swearing in case of several trials.*

*Article 113.*—When more trials than one are held by the same Court Martial, every officer of the Court and every witness before the Court, shall make a fresh oath or affirmation, as hereinbefore

prescribed, notwithstanding any previous oath or affirmation.

*Presumptive evidence of desertion.*

*Article 114.*—If at any trial for desertion, it is proved that the person tried has been absent without authority for the space of two months, such proof shall be deemed sufficient presumptive evidence of desertion; and the Court may thereupon convict the prisoner of desertion, unless he proves that his absence was not wilful, or otherwise rebuts the presumption of desertion arising from the proof of his unauthorized absence.

*Reference by prisoner to Government Officer.*

*Article 115.*—If at any trial for desertion, absence without leave, overstaying leave, or not rejoining when warned for service, the person tried states, in his defence, any sufficient or reasonable excuse for his unauthorized absence, and refers in support thereof to any officer in the Civil or Military service of government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the Court shall address such officer, and adjourn until his reply is received.

The written reply of any officer so referred to shall, if signed by him, be received in evidence, and have the same effect as if made on oath or affirmation before the Court.

If the Court is dissolved before the receipt of such reply, or if the Court omits to comply with the provisions of this Article, the convening officer may, at his discretion, annul the proceedings and order a fresh trial by the same or another Court Martial.

*Trial for desertion.*

*Article 116.*—On any trial for desertion the accused may be found guilty either of desertion or of absence without leave.

*Evidence of previous convictions and general character.*

*Article 117.*—When any person subject to these Articles has been convicted by a Court Martial of any military offence, such Court Martial shall enquire into and receive and record evidence of any previous convictions of such person, either by a Court Martial, or by a Court of Justice; and shall further, in the case of any person below the rank of a Warrant-officer, enquire into and record the general character of such person.

Evidence received under this Article may be either oral, or in the shape of entries in, or certified extracts from, the Court Martial Books; and it shall not be necessary to prove the signature to such certified extract, nor shall it be necessary to give notice to the prisoner before trial that evidence as to his previous convictions or character will be received.

*Voting of Members.*

*Article 118.*—The members of a Court Martial shall preserve order; and in giving their votes upon any matter, shall begin with the junior in rank.

Except where otherwise specially provided, every decision shall be passed by a majority of votes; and where there is an equality of votes, as to either finding or sentence, the decision shall be in favour of the prisoner.

In matters other than the finding or sentence, the President shall have a casting vote.

*Majority requisite to sentence of death.*

*Article 119.*—No sentence of death shall be passed by any General Court Martial, other than a General Court Martial held under an order in Council, unless such sentence is concurred in by at least two-thirds of the Officers composing the Court, or by five out of seven, or four out of five Officers, when the Court consists of either of these numbers.

A General Court Martial held under an Order in Council may, by the votes of a majority of such Court, pass a sentence of death.

*Revision of finding or sentence.*

*Article 120.*—The finding or sentence of any Court Martial may be revised by order of the Officer authorized to dispose of the proceedings.

But no finding or sentence of a Court Martial shall be revised more than once; nor shall any evidence, save evidence as to previous convictions or general character, be received on a revision.

The Court, on revision, shall consist of the same, and the same number of Officers as were present when the original decision was passed, unless any such Officer or Officers shall be unavoidably absent.

In case of such unavoidable absence, the cause thereof shall be duly certified in the proceedings, and the Court shall proceed with the revision, provided it still consists of the smallest number of Officers of which such Court is by these Articles required to consist.

*Procedure to be generally followed.*

*Article 121.*—The procedure laid down in the Articles 106 to 119 (both inclusive) shall be adopted at all trials by Courts Martial save when otherwise specially ordered or provided.

*Summoning witnesses.*

*Article 122.*—The Judge Advocate, in the case of a General Court Martial, and the Officer ordering the trial in the case of any other Court Martial may, by summons under his hand, require the attendance before the Court, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce documents.

In the case of a witness amenable to military authority, the summons shall be sent to the Officer in actual command of the corps to which he belongs, and such Officer shall serve it upon him accordingly.

In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be, or resides, and such Magistrate shall give effect to the summons as if the witness were required in the Court of such Magistrate.

When a witness is required to produce any particular document in his possession or power, the summons shall describe it with convenient certainty.

*Contempts of Court.*

*Article 123.*—Any witness duly summoned, or any other person who commits any contempt of Court in the presence of a Court Martial, or who commits any of the offences described in Article 56, 67, or 68, shall, if subject to these Articles, be proceeded against as they direct, and shall, if not so subject, be delivered over to a Magistrate, who



shall proceed against the offender in the same manner as if the offence had been committed before or towards a Court of Criminal Justice.

*Privilege of witnesses.*

*Article 124.*—Every witness, while proceeding to, attending on, or returning from, any Court Martial before which he has been summoned, shall be privileged from arrest in any civil suit or proceeding; and if arrested in any such suit or proceeding, may be discharged by order of such Court Martial.

**SUMMARY COURTS MARTIAL.**

*Persons to attend Summary Court Martial.*

*Article 125.*—Every Summary Court Martial shall be attended by two Commissioned Officers, European or Native, exclusive of the Commanding Officer holding the trial.

An Interpreter shall, in every case, attend at a Summary Court Martial; but when no other competent Interpreter is available, the Officer holding the trial, or one of the Officers in attendance thereat, may perform the duty of Interpreter.

No Interpreter shall as such have a vote upon any matter.

*Proceedings of such Courts.*

*Article 126.*—The proceedings of every Summary Court Martial shall be conducted in presence of all the Officers specified in Article 125, and shall be recorded in the English language in the manner usual at other Courts Martial.

*Oaths of Interpreter and Officer holding trial.*

*Article 127.*—The Interpreter at a Summary Court Martial shall first make oath or affirmation, as provided by Article 108, down to the words "published by authority;" and the Commanding Officer holding the trial shall then make oath or affirmation, as provided in Article 109, down to the words "custom of war in the like cases."

The Officers in attendance shall not as such be sworn or affirmed.

*Evidence.*

*Article 128.*—All evidence at a Summary Court Martial shall be taken on oath or affirmation, as provided by Article 111.

Any previous convictions on record against the offender, and his general character, shall be recorded by the Commanding Officer as of his own knowledge, or proved as provided by Article 117.

*Signature and transmission of proceedings.*

*Article 129.*—The proceedings in every case in which a Regimental Court Martial or a Detachment Court Martial tries an offence not within the ordinary jurisdiction of a Regimental Court Martial, committed on the line of march or on board a vessel, shall be sent for the information of the Commander-in-Chief of the Presidency to which the Regiment or Detachment belongs, and of the Presidency within which they may be, or to which they are proceeding.

The proceedings of every Summary Court Martial shall, when closed, be signed by the Commanding Officer and the Officers attending the trial, and shall, without delay, be forwarded to the Officer Commanding the Division or District within which the trial was held; and such Officer, or the Commander-in-Chief in India, or of the Presidency in

which the trial was held, is hereby authorized to set aside the trial for reasons based on the merits of the case, but not on any merely technical grounds.

When a Summary Court Martial is held in a force not attached to any Presidency, the Officer Commanding such force may exercise the powers given in this Article in regard to setting aside trials.

The proceedings of every other Court Martial shall, when closed, be signed by the members, and shall without delay be forwarded or delivered to the Officer under whose orders the trial has been held.

**CHAPTER III.—Sentences.**

*Of General Courts Martial.*

*Article 130.*—(a).—Any General Court Martial may, for any offence falling under Articles 7 to 23 both inclusive, and for such offences only, sentence any person subject to its jurisdiction to death; or to transportation for life, or for any period not less than seven years: or to imprisonment (with or without hard labour, and with or without solitary confinement) for any period not exceeding fourteen years.

(b).—Any General Court Martial may, for any offence falling under Article 54, 55 or 56 of these Articles, sentence any person as aforesaid to the penalties attached to such offences in Article 57, and may, for any other disgraceful conduct, award the penalties attached to that offence in Articles 136, 137 and 138.

(c).—Any General Court Martial may, in any case where no special punishments are prescribed, or, in addition to any special punishment, where so authorized, sentence any person amenable thereto to any punishment specified in Articles 131, 132, 133, 135, 137 and 138.

(d).—No Court Martial other than a General Court Martial shall have power to award a sentence of death, transportation, or imprisonment exceeding one year.

Any General Court Martial may sentence any Commissioned Officer to be dismissed the service or to be suspended from rank, pay and allowances for any stated period; or to be placed one or more steps lower in the list of his rank.

No Court Martial other than a General Court Martial shall have power to try or punish a Commissioned Officer.

*Of General, District or Garrison Courts Martial.*

*Article 131.*—Any General, District or Garrison Court Martial may sentence a Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer to be dismissed the service; or to be suspended from rank, pay and allowances for any stated period; or to be reduced to a lower grade or class in his Department, or to be placed one or more steps lower in the list of his rank.

No Court Martial inferior to a District or Garrison Court Martial shall have power to try or punish any Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer.

*Reduction, dismissal, corporal punishment and imprisonment.*

*Article 132.*—Any Court Martial may sentence a Non-Commissioned Officer to be reduced to the

ranks; or to be placed one or more steps lower in the list of his rank;

Or may sentence any person subject to these Articles below the rank of Warrant Officer, to be dismissed the service; or to suffer corporal punishment not exceeding fifty lashes; or to imprisonment with or without hard labour, and with or without solitary confinement, for such periods as are hereinafter prescribed.

#### *Limit of Imprisonment.*

*Article 133.*—Except in the cases provided for in Articles 24 and 57, the limit of imprisonment, whether with or without hard labour and solitary confinement awardable by Courts Martial under these Articles, shall be for General Courts Martial two years; for District or Garrison Courts Martial one year; and for Regimental or Detachment Courts Martial six months.

#### *Solitary Confinement.*

*Article 134.*—No person shall, under any such sentence, or under one or more sentences, be kept in solitary confinement more than eighty-four days in one year, or more than fourteen days at one time, and there shall be, between the periods of solitary confinement, intervals of ordinary imprisonment at least equal to the period of solitary confinement.

#### *Reduction to ranks.*

*Article 135.*—No Non-Commissioned Officer shall be sentenced by any Court Martial to imprisonment or to corporal punishment, without being first sentenced to reduction to the ranks.

#### *Forfeiture of pay and pension.*

*Article 136.*—On a conviction of any disgraceful conduct, a General, District or Garrison Court Martial may, in addition to any other punishment which it is empowered to award, sentence the offender to forfeit all advantage as to additional pay, good conduct pay and claim to pension on discharge, which might otherwise have accrued from the length or nature of his former service; or to forfeit all such advantage absolutely, whether it has accrued from former service or may accrue from future service.

#### *Forfeiture of arrears of pay.*

*Article 137.*—On any conviction of disgraceful conduct, if the offender be sentenced to dismissal from the service, or if his sentence involve dismissal under Article 155 or Article 157, he shall further be sentenced to forfeit any arrears of pay and allowances, or other public money, due to him at the time of his dismissal, or such portion thereof as may be required to make good any proved loss or damage arising out of his disgraceful conduct.

Any Court Martial may, in addition to dismissal, or to any punishment involving dismissal under Article 157 sentence any person whom it is authorized to try, to forfeit any arrears of pay and allowances, or other public money, due to him at the time of his dismissal, or such portion thereof as may be required to make good any proved loss or damage arising out of his misconduct.

#### *Stoppages.*

*Article 138.*—Every offender convicted of disgraceful conduct whose dismissal from the service is not so awarded or involved as aforesaid, shall in addition to any other punishment, be sentenced by the Court to be put under stoppages, to the extent

provided by Article 139, until the amount of any proved loss or damage arising out of his misconduct, be made good.

And any Court Martial, in addition to any punishment other than, or not involving, dismissal, may sentence any person as aforesaid to be put under stoppages, to the extent specified in Article 139, until any proved loss or damage arising out of his misconduct, be made good.

#### *Extent of Stoppages.*

*Article 139.*—Stoppages under Article 138 shall not be awarded, whether under one or more than one sentence, to a greater extent than, in the case of an Officer, two-thirds, or in the case of any other person, one-half of his monthly pay and allowances; and shall not be so awarded as to extend beyond one year.

Any public money issued to the offender within the said period of one year, shall, for the purpose of this Article, be deemed to be pay and allowances.

#### *Sentence of Transportation or Imprisonment on person already sentenced.*

*Article 140.*—Whenever a sentence of transportation or imprisonment is passed by any Court Martial upon an offender already under sentence of transportation for a limited term, or of imprisonment, the Court may award transportation or imprisonment to commence on the expiration of such previous sentence; notwithstanding that the aggregate of any terms of imprisonment may thus exceed the limit of imprisonment which such Court is by these Articles of War empowered to award.

#### *Form of sentence of death.*

*Article 141.*—In awarding a sentence of death a General Court Martial shall, at its discretion, direct that the offender shall "suffer death by being hanged by the neck until he be dead," or shall "suffer death by being shot to death."

#### *CHAPTER IV.—Confirmation and Commutation of sentences.*

##### *Sentences to be confirmed or otherwise disposed of.*

*Article 142.*—Save in the case of a Summary Court Martial, no decision or sentence of any Court Martial shall be carried into effect until confirmed or otherwise disposed of by—

(a.)—In the case of any Court Martial for the trial of any person within his command—the Commander-in-Chief of a Presidency: or

(b.)—In the case of any Court Martial for the trial of any person under his command—any Officer authorized in this behalf by warrant of the Commander-in-Chief of any Presidency, but subject to any restrictions contained in the warrant: or

(c.)—In the case of any Court Martial for the trial of any person under his command—any Officer in actual command of troops who is authorized in this behalf by the Governor-General of India in Council, the Governor of Port of Spain, the Governor of Bombay in Council, or the Governor of Madras in Council.

(d.)—In the case of any Court Martial for the trial of any person under his command—any Officer commanding Native troops not attached to the forces of a Presidency who is authorized in this behalf by warrant of the Commander-in-Chief of India:



(e).—In the case of a Detachment General Court Martial held beyond the limits of British India, and not within the dominions of the Princes and States of India in alliance with Her Majesty—the Officer appointing such Court Martial, unless the sentence of such Court Martial exceeds that awardable by a District or Garrison Court Martial, in which case the Commander of Her Majesty's forces with which the offender is serving, shall alone have power to confirm, remit, commute or annul such sentence:

(f).—In the case of a Regimental Court Martial for the trial of any person under his command—the Officer appointing such Court Martial:

(g).—In the case of a Regimental or other Detachment Court Martial for the trial of any person under his command, where the detachment consists of, or is equal in strength to, three troops or companies,—the Commanding Officer:

(h).—But when any such Court Martial is held in a Detachment of less than, or not equal in strength to, three troops or companies, the sentence shall be submitted for confirmation to the Officer Commanding the prisoner's Regiment, or to the nearest superior Officer holding a command of not less than a Regiment, who is hereby empowered to dispose of such sentence in like manner as if the trial had been held by his own order:

Provided that in detached situations beyond sea, or out of British India, or on service in the field, or in cases where immediate example is necessary and reference cannot be made to such Regimental or other superior Commanding Officer without detriment to the service, the Officer Commanding any Detachment, whatever its strength, may dispose of and carry out the sentence of any Detachment Court Martial held by his order.

(i).—Any Commander-in-Chief or Officer mentioned in clauses (a), (b), (c), (d), (e), (f) and (g) of this Article may, subject to the provisions of these Articles, and to the restrictions (if any) in the warrant (if any) by which he is authorized in this behalf, mitigate, remit, commute or annul any sentence to the execution of which his confirmation is necessary.

#### *Sentence of death.*

Article 143.—When a sentence of death has been passed by any General Court Martial, the Officer so authorized in accordance with these Articles may confirm such sentence and cause it to be carried into effect, or may, in lieu thereof, sentence the offender to transportation for life, or for any term not less than seven years, or to imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years.

#### *Sentence of penal servitude or transportation.*

Article 144.—Notwithstanding anything hereinbefore contained, whenever any person being an European or American is convicted of an offence punishable by these Articles with transportation, the Court may sentence the offender to penal servitude or transportation according to the provisions of the Act of 1855.

When a sentence awarded by any General Court Martial is confirmed in accordance with the provisions of the Act of 1855, the offender shall be delivered over to the civil authorities for execution of the sentence.

effect, or may, in lieu thereof, sentence the offender to imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years, and not exceeding the term of transportation awarded by the Court.

#### *Sentence of dismissal on Commissioned Officers, &c.*

Article 145.—A sentence of dismissal from the service passed by any Court Martial under these Articles of War upon a Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer, may be commuted by the Officer duly authorized to confirm or otherwise dispose of such sentence, to suspension from rank, pay and allowances for any stated period.

#### *Any sentence on Commissioned Officers, &c.*

Article 146.—Except on foreign service, or when reference cannot, without detriment to discipline, be made to superior military authority, no decision or sentence passed upon any Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer, shall be carried into effect until confirmed or otherwise disposed of by the Commander-in-Chief of the Presidency to which the offender belongs, or, when the offender is serving in a Presidency, by the Commander-in-Chief of such Presidency, or, when the offender belongs to a force not attached to any Presidency, by the Officer Commanding the force.

#### *Sentence of corporal punishment.*

Article 147.—A sentence of corporal punishment passed by any Court Martial may be commuted, by the Officer authorized to confirm or otherwise dispose of such sentence, to dismissal from the service, or to imprisonment without hard labour, and with or without solitary confinement, for any period not exceeding one year, which might have been awarded by such Court Martial.

#### *Sentence of imprisonment with hard labour.*

Article 148.—A sentence of imprisonment with hard labour passed by any Court Martial may be commuted, by the Officer authorized to confirm or otherwise dispose of such sentence, to dismissal from the service, or to imprisonment without hard labour, and with or without solitary confinement, for the term mentioned in the sentence, or for any shorter term.

#### *Sentence of reduction with corporal punishment or imprisonment.*

Article 149.—The Officer duly authorized to confirm or otherwise dispose of the sentence of any Court Martial may, in the case of a Non-Commissioned Officer sentenced by any such Court, mitigate a sentence of reduction to the ranks followed by corporal punishment or imprisonment to reduction only.

#### *Commutation of sentence of dismissal on Non-Commissioned Officers.*

or may commute a sentence of dismissal from the service to reduction to the ranks.

### CHAPTER V.—Execution of Sentences. *Transportation.*

Article 150.—Whenever the sentence of a General Court Martial awarding transportation is duly confirmed, or whenever a sentence of death is duly commuted to transportation, the offender shall be delivered over with a warrant of commit-

ment, containing an authenticated copy of the sentence or commuted sentence, to the Officer in charge of the nearest jail; and such Officer shall give effect to the sentence accordingly, under such order as he may receive from the Local Government.

*Imprisonment with hard labour.*

*Article 151.*—Whenever the duly confirmed sentence of any Court Martial awards imprisonment with hard labour, or whenever the sentence of any Court Martial is duly commuted to such imprisonment, the offender shall be delivered over with a warrant of commitment, containing an authenticated copy of the said sentence or commuted sentence, to the Officer in charge of the nearest jail; and such Officer shall detain the offender, under the rules in force, in such jail according to the exigency of the warrant, or until he is discharged by due course of law.

*Place of imprisonment.*

*Article 152.*—The Commander-in-Chief of a Presidency may, as occasion requires, direct that any person under his command and sentenced under these Articles to imprisonment, shall be confined in any jail or other fit place for confinement, situate within the local limits of such command or may order his removal from any place of confinement under military control to any other such place, or to any jail or other fit place of confinement situate within such local limits.

The Officer Commanding any force not attached to any Presidency, shall have the like powers so far as regards persons under his command and jails or other places of confinement situate within the local limits of such command.

*Transfer to Military custody.*

*Article 153.*—When any person subject to these Articles is confined in any jail or other place not subject to military control, under a sentence of transportation or imprisonment, whether passed by a Court Martial or by a Court of Criminal Justice, the Government of India, or the Local Government of the Presidency or place wherein such person is confined, may order his transfer to military custody,

or may order his removal from one to any other such place of confinement within the territories of such Government.

The period during which such person is in custody during his removal shall be reckoned as part of his term of transportation or imprisonment.

*Forfeiture of pay during imprisonment.*

*Article 154.*—Any person subject to the Articles of War in receipt of public pay, who is imprisoned in any place under the sentence, or commuted sentence, of a Court Martial, or a Court of Criminal Justice, shall, during such imprisonment, if his sentence does not involve dismissal under Article 155 or Article 157, forfeit all pay and allowances, and be entitled to subsistence only, according to the rates prescribed in the regulations of the Government to which he is subject.

And any such person in confinement in any place whatsoever, whether as a punishment by his Commanding Officer, or under any charge of which he is subsequently convicted, shall, during such confinement, forfeit all pay and allowances, and be entitled to subsistence only, according to the regulations of the Government to which he is subject.

*Striking Convict off strength of Regiment.*

*Article 155.*—Every person sentenced by any Court Martial, or by any Court exercising jurisdiction in criminal cases, to transportation or to imprisonment with hard labour for any term exceeding three months, shall, in the case of a sentence by a Court Martial, from the date of confirmation of such sentence, and in the case of a sentence by a Criminal Court, from the date of such sentence, be struck off the strength of the regiment, corps, or department to which he belongs.

*Non-re-admission of Convict.*

*Article 156.*—No person who has undergone any such period of transportation or imprisonment with hard labour, shall be re-admitted to the service, or be entitled to any pension:

Provided that in the case of any illegal sentence duly annulled as aforesaid, or of a pardon under Article 160, such person may, by order of the Government when the offence is non-military, or by order of the Commander-in-Chief of the Presidency when the offence is military, be re-admitted to service, or pension, as the case may be.

*Dismissal with ignominy.*

*Article 157.*—Any person below the rank of Warrant Officer sentenced under these Articles to dismissal, or to imprisonment with hard labour, or to corporal punishment, for disgraceful conduct, shall, on the confirmation of such sentence, be dismissed with ignominy from the service.

*Publication of sentence for disgraceful conduct.*

*Article 158.*—A copy of every confirmed sentence of dismissal, imprisonment with hard labour, or corporal punishment, for disgraceful conduct, and of the orders passed thereupon, shall be sent by the Adjutant General of the Army to the Chief Civil or Political Officer of the District wherein the offender's place of residence is situated; and such Officer shall publish the sentence and orders at the said place in such manner as may there be usual.

*Sentences of Summary Courts Martial.*

*Article 159.*—Any sentence awarded by a Summary Court Martial may be carried into effect forthwith on the Commanding Officer's own authority, and all provisions contained in Articles 151, 152, 153, 154, 155, 156, 157, 158, 160 and 161 as to execution of sentences and disposal of prisoners, shall equally apply to persons sentenced by Summary Court Martial.

CHAPTER VI.—*Pardons and Remissions.*

*Pardon of person convicted of military offence.*

*Article 160.*—The Governor General of India in Council, as regards any person subject to these Articles who has been convicted by a Court Martial of a military offence, and the Governors of Fort St. George in Council, and of Bombay in Council, and the Chief of any Presidency, may, on the recommendation of the Commander-in-Chief of any Presidency, or of any other Officer in command of any force within the territories of such Government, or under the command of the Commander-in-Chief, pardon or remit any such person, and may, instead of any such person, remit any punishment awarded to him.

or to such person  
antage forfeited under



*Article 161.*—Any Officer in charge of a jail on receiving a notification under the hand of a Secretary to the Government of India or to the Government of Fort St. George or to the Government of Bombay, or under the hand of the Commander-in-Chief of any Presidency or of the Officer Commanding any force not attached to a Presidency, or any Division or District, that the sentence under which any person subject to these Articles is imprisoned in such jail, has been annulled or remitted, or that any such person has been pardoned under Article 160, shall, on the authority of such notification alone, immediately release the prisoner or return him to military custody.

*Article 162.*—If any person subject to these Articles is, without due authority, absent from his duty for two months, a Regimental Court of Enquiry, composed of European or Native Commissioned Officers, or of both in conjunction, shall forthwith assemble, and having received proof on oath or affirmation of the unauthorized absence, shall declare the same, and the period thereof; and the Officer Commanding the Regiment or Corps shall record such declaration in the regimental books.

If he surrenders or is apprehended, such record, or a copy thereof, purporting to bear the signature of the Officer having the custody of the regimental books, shall, on the trial of such person for desertion, be presumptive evidence of the facts therein recorded; and on proof of the identity of the prisoner with the person therein mentioned, he may be found guilty of desertion.

*Article 163.*—No person subject to these Articles, shall be entitled to any pay or allowances or other public money, or to reckon service during any absence as a prisoner of war.

But when such person rejoins the service, enquiry shall be made by a Court Martial into the circumstances of his absence; and unless it is proved to the satisfaction of such Court that he was taken prisoner through his own wilful neglect of duty, or that he had served with or under, or aided the enemy, or that he had not, as soon as possible, returned to the service, he may be recommended by the Court to receive either the whole or any portion of the arrears due to him, and to reckon his service.

Such recommendation duly confirmed by the Commander-in-Chief of the Presidency, or by the Officer Commanding any Force not attached to the Presidency to which the said person belongs, entitle him to receive such arrears and prior pay accordingly.

*Reduction to ranks.* Article 164.—The Commander-in-Chief, and the Officer Commanding, attached to a Presidency shall have

*Article 165.*—The Commander-in-Chief in India shall, under the authority of the Governor General in Council, prescribe the minor punishments to which persons subject to these Articles shall for light offences be liable, without the intervention of a Court Martial, and shall specify the Officer or Officers by whom, and the extent to which, such minor punishments may be awarded.

No such minor punishment shall be awarded by a Court Martial; and, unless otherwise specially provided by the said Commander-in-Chief, no Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, shall be liable to any such minor punishment.

Good conduct pay shall not necessarily be forfeited on the infliction of a minor punishment, but forfeiture thereof may be awarded as a substantive punishment either by order of the Commanding Officer or by sentence of a Court Martial, as may from time to time be prescribed in the general orders of the Commander-in-Chief in India or of the Commander-in-Chief of the Presidency, as the case may be.

Whenever a soldier is convicted by a Court Martial, his good conduct pay shall cease.

Forfeiture of good conduct pay may be awarded in addition to any other minor punishment.

*Article 166.*—For any offence in breach of good order, the Commanding Officer of any Regiment, Corps or Detachment, whether European or Native, in camp, or at any frontier post at which troops are stationed, and to which this Article may be specially extended by the Governor General of India in Council, the Governor of Fort St. George in Council, the Governor of Bombay in Council, or any other Local Government, may sentence any Native follower of such regiment, corps or detachment, if above the degree of a menial servant, to pay a fine not exceeding fifty rupees, or, in default of payment, or in lieu thereof, to imprisonment for any period not exceeding thirty days; or if the Native follower be not above the degree of a menial servant, to imprisonment not exceeding seven days, or to corporal punishment not exceeding twelve strokes of a rattan.

Imprisonment awarded under this Article may be carried out in a military guard, or in a jail, as ordered by the said Commanding Officer; and the Officer in charge of any jail shall, on the delivery to him of the person of the offender, with a warrant under the hand of the said Commanding Officer, detain the offender according to the exigency of the warrant, or until he is discharged by due course of law.

*Article 167.*—Any person subject to these Articles, who deems himself wronged by any superior or other Officer, may, if not attached to a troop or company, complain to the Officer under whose command or orders he is serving; and may, if attached to a troop or company, complain to the Officer Commanding the same.

When the Officer complained against is the Officer to whom any other complaint should, under

ment, containing an authenticated copy of the sentence or commuted sentence, to the Officer in charge of the nearest jail; and such Officer shall give effect to the sentence accordingly, under such order as he may receive from the Local Government.

*Imprisonment with hard labour.*

*Article 151.*—Whenever the duly confirmed sentence of any Court Martial awards imprisonment with hard labour, or whenever the sentence of any Court Martial is duly commuted to such imprisonment, the offender shall be delivered over with a warrant of commitment, containing an authenticated copy of the said sentence or commuted sentence, to the Officer in charge of the nearest jail; and such Officer shall detain the offender, under the rules in force, in such jail according to the exigency of the warrant, or until he is discharged by due course of law.

## Place of imprisonment.

*Article 152.*—The Commander-in-Chief of a Presidency may, as occasion requires, direct that any person under his command and sentenced under these Articles to imprisonment, shall be confined in any jail or other fit place for confinement, situate within the local limits of such command or may order his removal from any place of confinement under military control to any other such place, or to any jail or other fit place of confinement situate within such local limits.

The Officer Commanding any force not attached to any Presidency, shall have the like powers so far as regards persons under his command and jails or other places of confinement situate within the local limits of such command.

*Transfer to Military custody.*

*Article 153.*—When any person subject to these Articles is confined in any jail or other place not subject to military control, under a sentence of transportation or imprisonment, whether passed by a Court Martial or by a Court of Criminal Justice, the Government of India, or the Local Government of the Presidency or place wherein such person is confined, may order his transfer to military custody.

or may order his removal from one to any other such place of confinement within the territories of such Government.

The period during which such person is in custody during his removal shall be reckoned as part of his term of transportation or imprisonment.

*Forfeiture of pay during imprisonment.*

*Article 154.*—Any person subject to the Articles of War in receipt of public pay, who is imprisoned in any place under the sentence, or commuted sentence, of a Court Martial, or a Court of Criminal Justice, shall, during such imprisonment, if his sentence does not involve dismissal under Article 155 or Article 157, forfeit all pay and allowances, and be entitled to subsistence only, according to the rates prescribed in the regulations of the Government to which he is subject.

And any such person in confinement in any place whatsoever, whether as a punishment by his Commanding Officer, or under any charge of which he is subsequently convicted, shall, during such confinement, forfeit all pay and allowances, and be entitled to subsistence only, according to the regulations of the Government to which he is subject.

*Striking Convict off strength of Regiment.*

*Article 155.*—Every person sentenced by an Court Martial, or by any Court exercising jurisdiction in criminal cases, to transportation or to imprisonment with hard labour for any term exceeding three months, shall, in the case of a sentence by a Court Martial, from the date of confirmation of such sentence, and in the case of a sentence by a Criminal Court, from the date of such sentence, be struck off the strength of the regiment, corps, or department to which he belongs.

### *Non-re-admission of Convict.*

*Article 156.*—No person who has undergone any such period of transportation or imprisonment with hard labour, shall be re-admitted to service, or be entitled to any pension :

Provided that in the case of any illegal sentence duly annulled as aforesaid, or of a pardon under Article 160, such person may, by order of the Government when the offence is non-military, by order of the Commander-in-Chief of the Presidency when the offence is military, be re-admitted to service, or pension, as the case may be.

*Dismissal with ignominy.*

*Article 157.*—Any person below the rank of Warrant Officer sentenced under these Articles to dismissal, or to imprisonment with hard labour, or to corporal punishment, for disgraceful conduct shall, on the confirmation of such sentence, be dismissed with ignominy from the service.

*Publication of sentence for disgraceful conduct.*

*Article 158.*—A copy of every confirmed sentence of dismissal, imprisonment with hard labor or corporal punishment, for disgraceful conduct, and of the orders passed thereupon, shall be sent by the Adjutant General of the Army to the Civil or Political Officer of the District where the offender's place of residence is situated; and such Officer shall publish the sentence and order at the said place in such manner as may there be usual.

*Sentences of Summary Courts Martial.*

*Article 159.*—Any sentence awarded by a Summary Court Martial may be carried into effect forthwith on the Commanding Officer's own authority, and all provisions contained in Articles 151, 152, 153, 154, 155, 156, 157, 158, 160 and 161 as to execution of sentences and disposal of prisoners, shall equally apply to persons sentenced by Summary Court Martial.

CHAPTER VI.—*Pardons and Remissions.*

*ardon of person convicted of military offence.*

*Article 160.*—The Governor General of India in Council, as regards any person subject to these Articles who has been convicted by a Court Martial of a military offence, and the Governors of Fort St. George in Council, and of Bombay in Council, the Chief of any Presidency, or any person within the territories dependent or under the command of any British Officer-in-Chief shall have power to remit, wholly or in part, the punishment or any such person, remission of the whole or part of the punishment awarded to him.

oration to such persons  
antage forfeited under



**Article 161.**—Any Officer in charge of a jail on receiving a notification under the hand of a Secretary to the Government of India or to the Government of Fort St. George or to the Government of Bombay, or under the hand of the Command-in-Chief of any Presidency or of the Officer Commanding any force not attached to a Presidency, or any Division or District, that the sentence under which any person subject to these Articles is imprisoned in such jail, has been annulled, remitted, or that any such person has been pardoned under Article 160, shall, on the authority of such notification alone, immediately release the prisoner or return him to military custody.

*Article 162.*—If any person subject to these Articles is, without due authority, absent from his duty for two months, a Regimental Court of Inquiry, composed of European or Native Commissioned Officers, or of both in conjunction, shall forthwith assemble, and having received proof on oath or affirmation of the unauthorized absence, shall declare the same, and the period thereof; and the Officer Commanding the Regiment or Corps shall record such declaration in the regimental

If he surrenders or is apprehended, such record, or a copy thereof, purporting to bear the signature of the Officer having the custody of the regimental books, shall, on the trial of such person for desertion, be presumptive evidence of the facts therein recorded; and on proof of the identity of the prisoner with the person therein mentioned, he may be found guilty of desertion.

*Article* 163.—No person subject to  
be entitled to any pay or allow-  
ance of money, or to reckon ser-  
vice as a prisoner of war.  
But when such  
person shall be made  
known by the  
circumstances of his  
capture to the satisfaction  
of the commanding officer,  
or a prisoner through  
neglect, or that he had  
been taken by the  
enemy, or that he  
had been returned to the service,  
he may be recommended  
to the Court to receive  
the full value of the unexpired  
portion of the term of his  
service.

Such recomen  
Commander-in-Ch  
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endency to which the said pe  
entitle him to receive such arrears  
accordingly.

*Reduction to ranks.*

Article 164.—The Commander-in-Chief, and the Officer Commanding attached to a Presidency shall have

### Minor Punishments.

No such minor punishment shall be awarded by a Court Martial; and, unless otherwise specially provided by the said Commander-in-Chief, no Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, shall be liable to any such minor punishment.

Whenever a soldier is convicted by a Court Martial, his good conduct pay shall cease.

*Offences of Native followers.*

Article 166.—For any offence in breach of good  
the Commanding Officer of any Regiment,  
or Detachment, whether European or Na-  
tive, in camp, or at any frontier post at which  
they are stationed, and to which this Article  
may be specially extended by the Governor General  
of India in Council, the Governor of Fort  
St. George in Council, the Governor of Bombay  
in Council, or any other Local Government, may  
sentence any Native follower of such regiment,  
corps or detachment, if above the degree of a  
menial servant, to pay a fine not exceeding fifty  
rupees, or, in default of payment, or in lieu thereof,  
to imprisonment for any period not exceeding  
thirty days; or if the Native follower be not  
above the degree of a menial servant, to imprison-  
ment not exceeding seven days, or to corporal  
punishment not exceeding twelve strokes of a  
rattan.

Imprisonment awarded under this Article may be carried out in a military guard, or in a jail, as ordered by the said Commanding Officer; and the Officer in charge of any jail shall, on the delivery to him of the person of the offender, with a warrant under the hand of the said Commanding Officer, detain the offender according to the exigency of the warrant, or until he is discharged by due course of law.

### Complaints against Officers.

*Article 167.*—Any person subject to these Articles, who deems himself wronged by any superior or other Officer, may, if not attached to a troop or company, complain to the Officer under whose command or orders he is serving; and may, if attached to a troop or company, complain to the Officer Commanding the same.

When the Officer complained against is the Officer to whom any other complaint should, under

this Article, be preferred, the aggrieved person shall complain to such Officer's next superior Officer.

No such complaint shall be made to any Officer other than those indicated in the former part of this Article.

Every Officer receiving any such complaint shall examine into it, and, when necessary, refer it to superior authority.

Every such complaint shall be preferred through such channels as may be from time to time prescribed by proper authority; and any person preferring a frivolous or groundless complaint shall be liable to trial by any Court Martial competent to try him, and to such punishment, other than dismissal, corporal punishment, or imprisonment with hard labour, as the Court is empowered by these Articles to award.

#### *Provost Marshals.*

*Article 168.*—For the prompt and instant repression of irregularities and offences committed in the field or on the line of march, Provost Marshals shall be appointed by the Commander-in-Chief of the Presidency, or the Officer Commanding the forces in the field; and the powers and duties of such Provost Marshals shall be regulated according to the established custom of war and the rules of the service.

#### *Their duties and powers.*

*Article 169.*—The duties of a Provost Marshal so appointed are to take charge of prisoners confined for offences of a general description, to preserve good order and discipline, and to breaches of the same by persons belonging attached to the Army.

The Provost Marshal may punish, on the spot, then and there, any person amenable to Articles below the rank of Warrant Officer, who, in his view or in the view of any of his assistants, commits any breach of good order and military discipline:

Provided that such punishment shall be limited to the necessity of the case, and shall accord with the orders which the Provost Marshal may from time to time receive from the Officer Commanding the troops:

Provided also that the orders of the said Commanding Officer shall in no case authorize such corporal punishment in excess of that awardable by sentence of a Court Martial.

If the actual commission of the offence is not witnessed by the Provost Marshal, or any of his assistants, but sufficient proof can be obtained of the offender's guilt, he shall report the case to the Commander of the Troops, who shall deal with the case as he may deem most conducive to the maintenance of good order and military discipline.

#### **TITLE V.—NON-MILITARY OFFENCES.**

##### *Offences committed within jurisdiction of Criminal Court.*

*Article 170.*—Any person subject to these Articles, who, at any place in British India within the jurisdiction of any Court of Criminal Justice established by Her Majesty, or by the Government of India, or by the Local Government, is accused of any offence against the Indian Penal Code, and not included in the foregoing Articles, shall be delivered over to the nearest Magistrate to be proceeded against according to law.

All persons in, or attached to, the Army hereby required upon application duly made to them for that purpose, to assist the Officers of Justice in apprehending and securing any such accused person.

Any person in, or attached to, the Army, will neglecting or refusing so to assist shall be punished with any punishment, other than death or transportation, awardable under these Articles.

#### *Offences committed out of British India.*

*Article 171.*—In any place out of British India offences against the Indian Penal Code, and included in the foregoing Articles of War, shall, when committed by any person amenable to these Articles, be cognizable by a General Court Martial to be convened by any Officer who is empowered by warrant, or Order in Council, or by Article 77, to appoint General Courts Martial.

#### *General Court Martial for trial of such offences.*

*Article 172.*—The provisions of these Articles as to the composition and procedure of General Courts Martial, shall, with the exception of those contained in Article 117, apply to General Courts Martial for the trial of non-military offences:

Provided that such General Courts Martial shall in every case be attended by a Judge Advocate.

#### *Sentences of such Court.*

*Article 173.*—A general Court Martial held for the trial of a non-military offence, shall, on the conviction of any offender, award punishment in accordance with the provisions of the Indian Penal Code.

#### *Confirmation of sentences.*

*Article 174.*—No decision or sentence passed by such General Court Martial shall be carried into effect until confirmed or otherwise disposed of by the authority which, under these Articles is empowered to confirm or otherwise dispose of the sentence of such General Court Martial; and no sentence of death shall be carried into effect until confirmed by the Commander-in-Chief of the Presidency to which the offender belongs, or, when the offender is beyond the limits of British India, until confirmed by the Officer Commanding Her Majesty's Forces with which the offender is serving, or with which the offender does not belong to the force to which he is attached, as confirmed by the Commander-in-Chief.

#### *Sentences.*

*Article 175.*—The provisions contained in Articles 143, 155, 156 as to the disposal of sentences awarded to persons in the Army, shall apply to persons in the Army.

The provisions contained in Articles 151, 152, 153, 154 as to the disposal of sentences awarded to prisoners, shall apply to prisoners in the Army.

#### **DECEASED MEN AND OF DESERTERS.**

*Article 176.*—When any person subject to these Articles is killed in the field, the Officer in charge of the Regiment, Corps or Detachment, or the Officer in charge of the Department to which person belonged, shall, if no representation of such person be on the spot, cause an inventory to be made, and a duplicate of the same to be lodged with the Officer Commanding the Regiment, Corps, or Detachment, or in charge of the Department.



attachment or Department to which the deceased belonged.

*Sale of effects and discharge of debts.*

*Article 177.*—If there be no representative on the spot, or readily accessible, such Officer shall, without any representation taken out, publicly sell such part of the effects of the deceased in camp or quarters as do not consist of money, and shall pay thereout the debts of the deceased in camp or quarters, the expense of his funeral ceremonies, and his regimental debts of every description; and shall pay the surplus (if any) to the representative in interest of the deceased.

*Remittal of Surplus.*

*Article 178.*—In the event of no claim for the surplus of the deceased person's estate being made and established within twelve months of his death, the amount in the hands of the Officer in charge of the estate shall be remitted to the Controller General of Accounts at Calcutta, or to the Accountant General to the Government of Fort St. George of Bombay; or, if the deceased shall have belonged to a force not under any Presidency, to the Controller General of Accounts at Calcutta.

*Sale of effects of Deserters.*

*Article 179.*—The effects in camp or quarters of a deserter shall be publicly sold, and the proceeds, after payment thereout of all regimental or departmental claims, shall be remitted by the Officer Commanding, or in charge of, the Regiment, Corps, Detachment or Department to which the deserter belongs, to the Controller General of Accounts at Calcutta, or to the Accountant General to the Government of Fort St. George or of Bombay.

*Remittal of proceeds.*

If the deserter belongs to a force not attached to any Presidency, then the said proceeds shall be remitted to the Controller General of Accounts at Calcutta.

PART III.—MISCELLANEOUS.

*Prohibition of Second Trial.*

—Persons subject to the Articles contained in Part II of this Act, who have been acquitted or convicted either by a Court Martial or by a Court of Criminal Justice, of any offence, whether military or non-military, shall not be again tried or punished for the same offence by any Court whatsoever.

But any such person may be dismissed the service.

*Prohibition of Arrest for Debt.*

—No person attested under this Act or any previous Articles of War for Her Majesty's Indian Army, shall so long as he belongs to such Army, be arrested for debt under any process issued by the authority of any Court of Law.

The Judge of any such Court may examine into the validity of any such process, and if he is satisfied that the arrest of such person contrary to the provisions of this Act, and may by warrant under his hand discharge such person, and shall award reasonable costs to the complainant, who may recover such costs in like manner as he might have recovered costs awarded to him by a decree against a person obtaining such process.

The arms, horse, clothes, equipments, regimental accoutrements and necessaries of any such attested person shall not be seized, nor shall his person

allowances or any part thereof be attached, in satisfaction of any judgment against him or any person whom he may represent.

*Breach of Cantonment Rules.*

(c).—When any offence in breach of any duly authorized Cantonment rule or regulation is committed by any person not subject to the said Articles, and not an European British subject or an Officer or Soldier, the Officer Commanding the Cantonment may, where there is no Cantonment Magistrate, summon or order the apprehension of the offender; and such Officer may (after personally investigating the case) sentence the offender to pay a fine not exceeding fifty rupees; or in default of payment of, or in lieu of, such fine, to imprisonment in any jail or military guard for a period not exceeding thirty days.

The Officer in charge of any jail shall, on the delivery to him of the person of the offender, with a warrant under the hand of the said Commanding Officer, detain the offender according to the exigency of the warrant, or until he is discharged by due course of law.

*Capture of Deserters.*

(d).—Whenever any person subject to the said Articles deserts, the Commanding Officer of the regiment, corps or detachment to which he belongs, shall give written information of the desertion to such Civil, Political, or Police authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter, in like manner as if he were a person for whose capture a warrant had been issued by a Magistrate, and shall deliver the deserter when apprehended to military custody.

Such authorities shall also, by such means as appear to them best adapted for the purpose, prevent persons reasonably suspected to be subject to the said Articles from travelling through the districts subject to their jurisdiction, unless on duty, or furnished with a certificate of leave or discharge.

Any Police Officer may arrest without warrant any person so suspected, and shall bring him without delay before the nearest Magistrate, or the nearest Military Commanding Officer when no Magistrate is readily accessible, to be dealt with according to law.

*Apprehension of Military Offenders.*

(e).—Whenever any person subject to the said Articles, who is accused of any military offence, is within the jurisdiction of any Civil, Political, or Police officer, such officer shall aid in the apprehension and delivery to military custody of such person upon receipt of a written application to that effect, signed by his Commanding Officer.

*Presumption as to signatures.*

(f).—In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the civil or military service of Government shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown.

*Native Troops serving out of their own Presidency.*

(g).—When any portion of the Native troops belonging to any Presidency, is serving within the limits of any other Presidency, such troops shall,

during such service, for all the purposes of the said Articles, be under the authority and orders of the Commander-in-Chief of the Presidency in which they are serving :

Provided that it shall be lawful for the Governor or General of India in Council to direct that, for the purposes of the said Articles, Native troops serving out of their own Presidency shall continue subject to the authority and orders of the Commander-in-Chief of the Presidency to which such troops belong.

*Power to make Orders and issue Warrants.*

(k).—The Governor General of India in Council, The Governors of Fort St. George and Bombay in Council,

The Commander-in-Chief of any Presidency

may respectively make all orders and issue all warrants for holding Courts Martial or otherwise, which appear necessary for the purposes of this Act; and in the case of military offences requiring to be disposed of without delay, the Governor General of India in Council, and the Governors of Fort St. George and Bombay in Council may respectively further authorize any officer empowered by Order in Council to confirm, commute, remit or annul sentences in such cases, to refer such sentences for orders to the Commander-in-Chief of the Presidency.

*Limitation of Powers.*

(i).—Nothing hereinbefore contained shall empower the Commander-in-Chief of a Presidency to re-admit to service or pension any person not within his command, or to authorize any officer to appoint, or to confirm, commute, remit or annul the sentences of Courts Martial for the trial of any person not within the command of such Commander-in-Chief, except in the case specified in the proviso in clause (g) of this Part,

or shall empower any Government to give directions as to the composition of, or to authorize the appointment of, Courts Martial in any place for the time being subject to any other Government.

Nothing in this Act shall be deemed to affect the authority conferred on the Commander-in-Chief in India by any Act of Parliament or by Royal warrant or commission.

*Power to make Rules.*

(j).—It shall be lawful for the Governor General of India in Council from time to time to make rules consistent with this Act, for the guidance of officers, whether Military, Civil, or Political, in all matters connected with its enforcement.

All such rules shall be published in the *Gazette of India*, and shall thereupon be deemed to have the force of law.

The Commander-in-Chief in India, as regards the Presidency of Fort William and Forces not attached to any Presidency, may, with the previous sanction of the Governor General of India in Council, and the Commanders-in-Chief of the Presidencies of Fort Saint George and Bombay, as regards their respective Presidencies, may, with the previous sanction of the Local Government, from time to time substitute for the forms of affirmation given in Articles 109 and 111 as appropriate to Native officers and witnesses, such other forms as may be thought appropriate to Native officers and witnesses of any religion.

*Articles to be read periodically.*

(k).—The following articles, namely Articles 2, 4, 5, 7 to 71, both inclusive, 90, 91, 92, 93, 94, 125, 126, 130, 131, 132, 133, 135, 136, 137, 138, 139, 154 167 and 176, shall be read once in every three months at the head of every regiment, corps, troop, or company in the service.

APPENDIX.

PART I.—DEFINITIONS IN THE INDIAN PENAL CODE.

[ See PART I, CLAUSE (c.) ]

*Wrongful gain.*

23. "Wrongful gain" is gain by unlawful means of property to which the person gaining is not legally entitled.

*Wrongful loss.*

"Wrongful loss" is the loss by unlawful means of property to which the person losing it is legally entitled.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

*Dishonestly.*

24. Whoever does anything with the intention of causing wrongful gain to one person, or wrongful loss to another person, is said to do that thing "dishonestly."

*Fraudulently.*

25. A person is said to do a thing fraudulently if he does that thing with intent to defraud, but not otherwise.

*Reason to believe.*

26. A person is said to have "reason to believe" a thing, if he has sufficient cause to believe that thing, but not otherwise.

OF HURT.

*Hurt.*

319. Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

*Grievous hurt.*

320. The following kinds of hurt only designated as "grievous":—

*First.*—Emasculation.

*Secondly.*—Permanent privation of the sight of either eye.

*Thirdly.*—Permanent privation of the hearing of either ear.

*Fourthly.*—Privation of any member or joint.

*Fifthly.*—Destruction or permanent impairment of the powers of any member or joint.

*Sixthly.*—Permanent disfiguration of the face.

*Seventhly.*—Fracture or dislocation of a bone or tooth.

*Eighthly.*—Any hurt which endangers life or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.



*Voluntarily causing hurt.*

321.—Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt."

*Voluntarily causing grievous hurt.*

322. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt."

*Explanation.*—A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

*Illustration.*

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

## OF CRIMINAL FORCE AND ASSAULT.

*Force.*

349. A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling; Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:

*First.*—By his own bodily power.

*Secondly.*—By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person.

*Thirdly.*—By inducing any animal to move, or change its motion, or to cease to move.

*Criminal Force.*

350. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear, or annoyance to the person to whom the force is used, is said to use criminal force to that other.

*Illustration.*

(a). Z is sitting in a boat on a river. A intentionally unfastens the moorings, and causes the boat to drift down the river. Here A intentionally causes motion to the boat by disposing substances in such a manner that motion is produced without any act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's

consent, in order to the committing of any offence or intending or knowing it to be likely that this use of force will cause injury, fear, or annoyance to Z, A has used criminal force to Z.

(b). Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion, A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, A has committed criminal force to Z.

(c). Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(d). A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z, and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, he has used criminal force to Z.

(e). A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes, or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten, or annoy Z, he has used criminal force to Z.

(f). A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy her, he has used criminal force to her.

(g). Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally, by his own bodily power, causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling; A has therefore intentionally used force to Z; and if he has done this without Z's consent intending or knowing it to be likely that he may thereby cause injury, fear, or annoyance to Z, A has used criminal force.

(h). A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear, or annoyance to Z, he uses criminal force to Z.

*Assault.*

351. Whoever makes any gesture or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

*Explanation.*—Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

*Illustrations.*

(a). A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(b). A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(c). A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances might not amount to an assault, the gesture explained by the words may amount to an assault.

378. Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

*Explanation 1.*—A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

*Explanation 2.*—A moving, effected by the same act which effects the severance, may be a theft.

*Explanation 3.*—A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

*Explanation 4.*—A person, who by any means causes an animal to move, is said to move that animal, and to move every thing which, in consequence of the motion so caused, is moved by that animal.

*Explanation 5.*—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

*Illustrations.*

(a). A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession, without Z's consent. Here, as soon as A has severed the tree, in order to such taking, he has committed theft.

(b). A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(c). A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(d). A, being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent, A has committed theft.

(e). Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells

it. Here the plate was not in Z's possession, could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(f). A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(g). A finds a ring lying on the high-road, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.

(h). A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search or detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from Z's hiding place and selling it when the loss is discovered. Here A, at the time of first moving the ring, commits theft.

(i). A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and may have committed theft, inasmuch as what he has taken was not done dishonestly.

(j). If A owes money to Z for repairing his watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession with the intention of depriving Z of the property as a security for his debt, A commits theft, inasmuch as he takes it dishonestly.

(k). Again, if A having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he had borrowed, he commits theft, though the watch is his own property, inasmuch as he takes it dishonestly.

(l). A takes an article belonging to Z out of Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z, as a reward for its restoration. Here A takes it dishonestly; A has therefore committed theft.

(m). A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent, for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(n). A asks charity from Z's wife. She gives him a money, food, and clothes, which A knows to belong to Z her husband. Here, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.

(o). A is the husband of Z's wife. She gives him a valuable article, which A knows to belong to Z. A values the article as such property as she has given him to give. If A takes the article out of Z's possession, he commits theft.

(p). A, with good faith, believing property belonging to Z to be his own property, takes that property out of Z's possession. Here, as A does not take it dishonestly, he does not commit theft.

(q). A, with good faith, believing property belonging to Z to be his own property, takes that property out of Z's possession. Here, as A does not take it dishonestly, he does not commit theft.



## OF EXTORTION.

*Extortion.*

383. Whoever intentionally puts any person in fear of any injury to that person or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion."

*Illustrations.*

(a). A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He induces Z to give him money. A has committed extortion.

(b). A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(c). A threatens to send club-men to plough up Z's field, unless Z will sign and deliver to B a bond obliging Z under a penalty to deliver certain property to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

(d). A by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a promissory paper, and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so delivered may be converted into a valuable security, A has committed extortion.

## II.—INDIAN PENAL CODE, CHAPTER V. OF ABETMENT.

## SECTIONS 107 AND 108.

(See Article 71.)

*Abetment of a thing.*

107. A person abets the doing of a thing who—

*First*.—Instigates any person to do that thing; or,

*Secondly*.—Engages with one or more other persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or,

*Thirdly*.—Intentionally aids, by any act or illegal omission, the doing of that thing.

*Explanation 1*.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily induces or procures, or attempts to cause or procure, any act or illegal omission to be done, is said to instigate the doing of that thing.

*Illustration.*

A public officer is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

*Explanation 2*.—Whoever, either prior to or at the time of the commission of an act, does any act in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

*Abettor.*

108. A person abets an offence who abets either the commission of an offence, or the commission of

an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

*Explanation 1*.—The abetment of the illegal omission of an act may amount to an offence, although the abettor may not himself be bound to do that act.

*Explanation 2*.—To constitute the offence of abetment, it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

*Illustrations.*

(a). A instigates B to murder C. B refuses to do so, A is guilty of abetting B to commit murder.

(b). A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

*Explanation 3*.—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

*Illustrations.*

(a). A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(b). A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act, and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(c). A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(d). A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

*Explanation 4*.—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

*Illustration.*

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and as A instigated B to commit the offence, A is also liable to the same punishment.

*Explanation 5.*—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed.

*Illustration.*

A concert with B a plan for poisoning Z. If it is agreed that A shall administer the poison. B then explains the plan to C, mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered, and therefore committed the offence defined in the section, and is liable to the punishment there.

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WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.*

*for making Laws and Regulations.*

Following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th March 1869, and is hereby promulgated for general information:—

ACT No. VI OF 1869.

*to amend the Law relating to the Emigration of Native Labourers.*

It is expedient to amend the law relating to the emigration of Native Labourers; It is hereby enacted as follows:—

The probable length of the voyage from Madras to Reunion, Mauritius, or Seychelles shall, notwithstanding anything contained in Act No. XLVI

to authorize and regulate the emigration of Native Labourers to the French Colonies) or Act of 1864 (to consolidate and amend the law relating to the emigration of Native Labourers), be deemed to be, between the months of January and March inclusive, six weeks.

Section 24 of the said Act No. XIII of 1864 the following shall be substituted:—

The protector of emigrants at each of the three ports aforesaid and the British consular agent at the French Ports in India, shall license persons as shall to him seem necessary for employment as a recruiter of labourers, and no person shall be employed as a recruiter of labourers unless he has obtained a license from such protector of emigrants or British consular agent."

Section 31 of the said Act No. XIII of 1864 the following shall be substituted:—

For the registration of every emigrant, the recruiter shall pay to the Magistrate a fee of one rupee, and in proof of the desertion of any emigrant the fee paid in respect of such emigrant may be refunded by the Magistrate, to whom it was paid, under such rules as may from time to time be made in that behalf by the Governor General of India in Council."

4. Notwithstanding anything contained in the same Act, section forty-five, places west of Cape. the Local Government may, in cases of emergency, permit emigrants for any place west of the Cape of Good Hope to leave the port of Calcutta between the thirty-first day of July and the first day of April.

5. Notwithstanding anything contained in the same Act, section forty-seven, Increase of space allowed to adult emigrants. no compartment in an emigrant ship shall take more than one adult emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who shall have completed two and shall not have completed ten years of age for every eight superficial feet on deck.

6. Whenever the Governor General of India in Council or the Local Government has reason to believe that in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

or that proper measures have not been taken for the protection of emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage,

the said Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local *Gazette* (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Local Government under this section may be cancelled by order of the said Governor General in Council.

7. Notwithstanding anything contained in the same Act No. XIII of 1864, Power to relax rule as to proportion of women. section sixty-three, or in any rules made or to be made by the Governor General of India in Council pursuant thereto, the Local

WHITLEY STOKES,  
Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

WHEREAS certain Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865, were framed under Act No. VII of 1865 (to give effect to Rules for the management and preservation of Government Forests), and were confirmed by the Governor General of India in Council and published in the *Gazette of India* dated the twelfth day of August 1865; and whereas certain of the said Rules relate to timber not the produce of such forests, and it is expedient to validate such Rules and to indemnify the officers

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Secy. to the Council of the Govt.  
for making Laws and Re

P. III. The following sections of the Criminal Procedure Amendment of certain sections of Code of Criminal Procedure. sections 26, 27, 31 and 33, shall be amended by striking out the words "or division of a district" and inserting the words "or divisions of a district" and "or of two or more divisions of a district" as follows:



IV. The said Code shall be read as if such of the following sections as are distinguished by numbers and letters were respectively inserted next after the sections of the said Code distinguished by those numbers.

Of the following sections, those distinguished by numbers only shall be substituted for the corresponding sections in the same Code, which are hereby repealed;

**23 A.** With the sanction of the Governor General in Council, the Local Government may delegate its power of appointing Magistrates, delegate, with such limitations as it may think proper to any officer under its control the power conferred by section 23.

**23 B.** When, in consequence of the office of the Magistrate of a District becoming vacant, any officer succeeds temporarily to the chief executive administration of the District in criminal matters, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties of the Magistrate of the District.

**23 C.** The Local Government may, by notification in the official Gazette, prescribe the local jurisdiction of a Magistrate of the District, as defined by section 14, and may by such notification from time to time alter such jurisdiction.

**23 D.** The Local Government may invest any Magistrate with the local jurisdiction in a particular part of a District declared by section 18 to be deemed a division of a District, and may from time to time alter the limits of such local jurisdiction.

**23 E.** Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act in any District, is transferred to an equal or higher office of the same nature within another District, he shall, unless the Local Government shall otherwise direct, continue to exercise the same powers in the District to which he is so transferred.

**23 F.** The Local Government may vary or cancel any powers with which any person may have been invested under this Act.

**23 G.** Except as otherwise provided in this Act or by any other law, for the time being in force, all Magistrates and Subordinate Magistrates shall be subordinate to the Magistrate of the District in which they exercise jurisdiction.

**23 H.** The Local Government may, with such limitations as it may think proper, invest any Magistrate in charge of a division of a District or any officer exercising the full powers of a Magistrate, with the authority con-

ferred on the Magistrate of the District by sections 36, 66, 132, 308, 316, 318.

**31 A.** If any person be charged under section 368 of the Indian Penal Code, with the offence of wrongfully concealing or keeping in confinement a person who has been kidnapped or abducted, such offence may be enquired into or determined in any District in which the concealment or confinement has taken place, or in any District in which the kidnapping or abduction may be enquired into or determined.

**36.** The Magistrate of the District, or a Magistrate in charge of a division of a District, may respectively withdraw any criminal case from any Court subordinate to him, and may enquire into or try the case himself, or refer it for enquiry or trial to any other such Court competent to enquire into or try the same.

**40 A.** No Subordinate Magistrate who is not a Justice of the Peace shall exercise the authority conferred by section 40, unless he is empowered under section 38.

**44.** Whenever a Criminal Court imposes a fine, the Court may order the whole or any part of the fine to be paid in compensation, for expenses properly incurred in the prosecution,

(1). for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

If the fine be awarded by a Court whose decision is subject to revision, the amount awarded shall not be paid until a period of two months shall have elapsed from the date of the award.

**49 A.** The power conferred on the Local Government by section 49 may be exercised, under the orders and subject to the control of Government, by the Inspector General of Jails.

**61.** Whenever an offender is sentenced to pay a fine, the Court which sentences him, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment, may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender. Such warrant may be executed within the jurisdiction of the Court that issued it, and it shall authorise the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court when endorsed by the Magistrate of the District in which such property is situated.

**66 A.** The Local Government may, by notification in the official Gazette, define what Magistrates or Subordinate Magistrates shall entertain cases either on complaint preferred directly to themselves or on the report of a Police officer; and such Magistrates or Subordinate Magistrates shall be competent to entertain such cases, if the offence charged is triable by them or if they shall have been empowered under section 38.

**66 B.** The Magistrate of the District may, subject to the orders of the Local Government, empower any Magistrate or Subordinate Magistrate in his District to entertain cases either on complaint preferred directly to themselves or on the report of a Police officer.

**70.** A summons shall ordinarily be issued through a Police officer; but the Magistrate issuing the summons may, if he see fit, direct it to be served by any other person.

**75.** The provisions relating to a summons and its service and issue contained in this chapter, shall be applicable to every summons issued under this Act, except summonses to serve as a juror or assessor:

Provided that, when the person summoned is in the service of Government or of any Railway Company, the Court or Magistrate issuing the summons may send the summons to the head of the Office in which the person summoned is employed, and such head shall thereupon cause the summons to be served on the person named therein.

**77.** A warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing a warrant may, if he see fit, direct it to any other person.

**86.** A Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, may direct the warrant to any Magistrate within whose jurisdiction such person is, or is supposed to be, and may send the same by post.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon, and enforce its execution in the same manner as if the warrant had been originally issued by himself.

If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed it, and shall be dealt with by such Magistrate as provided in section 84.

**99.** The provisions relating to a warrant and its service and issue contained in this chapter shall be applicable to every warrant of arrest issued under this Act.

**114.** When a Magistrate considers that the production of any thing is essential to the conduct of an enquiry into an offence known or suspected to have been committed, or when he considers that such enquiry will be furthered by the search or inspection of any house or place, he may grant his search-warrant, and the officer charged with the execution of such warrant may search any house or place within the jurisdiction of such Magistrate.

The Magistrate may, if he see fit, specify in his warrant the house or place, or part thereof, to which only the search or inspection shall extend, and the officer charged with the execution of such warrant shall then search only the house, place or part so specified.

**115.** A search-warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing the warrant, may, if he see fit, direct it to any other person.

**121.** A Magistrate issuing a search-warrant to be executed in any house or place out of the jurisdiction of the Magistrate of the District, may direct the warrant to any Magistrate within whose jurisdiction such house or place is situate, and may send the same by post.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon and enforce its execution in the same manner as if it had been originally issued by himself.

If the warrant is to be executed within the limits of the High Court, it shall be addressed to the Commissioner of Police or to a Police Magistrate. In such case any property found on search made, may be dealt with as provided in sections 118 and 119.

**127.** If the Magistrate of the District or a Magistrate in charge of a division of a District, or any other officer exercising the powers of a Magistrate, upon information and after such enquiry as he may think necessary, has reason to believe that any house or other place is used as a place of deposit or sale of stolen property, or for the deposit or sale or manufacture of forged documents or counterfeit Government stamps or coins or instruments or materials for counterfeiting, or for forging,

or that any forged document stamps or false seals or any counterfeit instruments or materials used for counterfeiting, or for forging, are kept or deposited in any house or other place,

he may by warrant authorize any Police officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, and search all such house or other place, and to seize and take possession of any property found, which he may reasonably

as warrant authorize any Police officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, and search all such house or other place, and to seize and take possession of any property found, which he may reasonably



respect to be stolen, forged, false, or counterfeit, and also of any such instruments and materials as aforesaid.

**130.** The seizure by any Police officer of property alleged or suspected to have been stolen, or of property seized by any Police officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to a Magistrate, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

If the property is of a perishable nature, or if it appear to the Magistrate that its sale would be for the benefit of the owner, he may at any time direct it to be sold and shall hold the proceeds in trust for the owner subject to the provisions contained in sections 131 and 132.

Provided that no Subordinate Magistrate of the Second Class shall exercise this power unless he is generally or specially authorized to do so by the Magistrate of the District.

**131.** When the owner of any such property is unknown, the Magistrate may detain the same, or the proceeds thereof if sold, and in case of such detention shall issue a proclamation specifying the articles of which such property consists or consisted, and requiring any person who may have a claim thereto or to the proceeds thereof to appear before him and establish his claim within six months from the date of such proclamation.

**132.** If no person, within such period establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was lawfully acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District, or if it has been already sold by the Magistrate, the proceeds shall be at the disposal of the Government.

**132 A.** When the trial in any Criminal Court is concluded, the Court at the time of passing judgment may pass such order as appears right for the disposal of any property produced before it regarding which any offence appears to have been committed.

**132 B.** Any Court of appeal, reference or revision may direct any such order passed by a Court subordinate thereto to be stayed, and may modify, alter or annul it.

**132 C.** The order passed by any Court under section 132 A or 132 B may be in the form of a reference of the property to the Magistrate of the District, who shall in such cases deal with it as if he were acting under sections 130, 131 and 132 under the circumstances men-

tioned in section 130, and the seizure had been reported to him by the Police.

**133.** Except as provided in section 108, no Police officers to make enquiry into certain offences only when directed to do so by Magistrate. Police officer shall, without an express order from a Magistrate, enquire into or take cognizance of any offence punishable under the Indian Penal Code, other than the offences described in column 3 of the schedule annexed to this Act, as offences for which a Police officer may arrest without warrant. But it shall be competent to a Magistrate, upon the report of a Police officer or otherwise, to direct enquiry to be made by a Police officer into any offence punishable under the Indian Penal Code or under any special or local law.

**137.** Provided also that, if it appear to the officer in charge of a Police station that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall not proceed in the case, but shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

**140.** When any officer in charge of a Police station requires any officer subordinate to him to make, without a warrant, an arrest which may lawfully be made by such officer without a warrant, he shall deliver to the Police officer required to make the arrest an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

The provisions of sections 82, 90, 91, 92, 93, 94, 95 and 96 shall be applicable to every order in writing issued under this section.

**150.** Provided that, when any fact is deposed to in evidence as discovered in consequence of information received from a person accused of any offence or in the custody of a Police officer, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact hereby discovered may be received in evidence.

**158.** Every prosecutor and witness, whose attendance before the Magistrate is deemed necessary by the Police officer making the enquiry, shall execute a recognizance in the form (E) given in the Appendix hereto or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day:

Such day shall be the day whereon the accused person is to appear, if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the recognizance is executed, shall, after delivering to the prosecutor or one of the witnesses a duplicate thereof, send it with his report to the Magistrate.

No Police officer shall accompany the prosecutor or witnesses on his or their way to the Court of the Magistrate.

**161.** The officer in charge of a Police station, on receiving notice or information of the unnatural or sudden death of any person, shall immediately give intimation thereof to the nearest

Police to make immediate enquiry and report on unnatural and sudden deaths.

Magistrate, and proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, shall make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted:

The report shall be signed by such Police officer and other persons or by so many of them as concur therein, and shall be forthwith forwarded to the Magistrate:

When there may be any doubt regarding the cause of death, such Police officer shall forward the body, with a view to its being examined to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government if the state of the weather and the distance admit of its being so forwarded without risk of putrefaction on the road.

In the Presidencies of Madras and Bombay it shall be the duty of the head of the village to make the enquiry and report as aforesaid:

**164.** When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate or Justice of the Peace for trial under section 163, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Discharge of an offender on his submission.

**173.** In any case triable by the Court of Session exclusively, any Civil Court before which any such offence was committed may, instead of sending the case for investigation to a Magistrate, complete the investigation itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

Civil Courts empowered to complete investigation and commit accused to Court of Session.

For the purposes of investigation under this section the Civil Court may exercise all the powers of a Magistrate.

**179.** When a complaint is made to the Magistrate of the District or any other officer exercising the powers of a Magistrate, or to any Subordinate Magistrate empowered to commit persons for trial before the Court of Session, that any person has committed, or is suspected to have committed, any offence triable exclusively by the Court of Session, or which in the opinion of such Magistrate ought to be tried by the Court of Session, such Magistrate may issue his warrant to arrest such person:

Magistrate may issue his warrant.

Provided that, in any such case the Magistrate to whom such complaint is made may, if he thinks fit, instead of issuing in the instance his warrant to arrest the accused person, issue his summons requiring him to appear and answer to such complaint.

May issue a summons instead of a warrant.

**185.** When any person whose property has been declared to be at the disposal of Government under section 184 appears or is found within two years after the attachment of the property, and proves to the satisfaction of the Court trying him for the offence of which he was accused, or, if not tried or committed for trial for the offence, to the satisfaction of the Magistrate of the District, that he did not abscond or conceal himself for the purpose of evading justice, such property, or if the same has been sold the proceeds thereof, shall be restored to him.

Restoration of property declared to be forfeited.

**203.** Except as provided in section 209, no influence, by means of a promise or threat or otherwise, shall be used to induce an accused person to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosures.

**208.** The provisions of sections 179 to 183 (both inclusive) shall be applicable to witnesses named in support of the defence who may be summoned by the Magistrate.

Sections 179 to 183 to apply to witnesses for defence.

**209.** The Magistrate of the District or other officer exercising the powers of a Magistrate, and a Subordinate Magistrate empowered under section 26, recording his reasons for so doing, may tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in column 7 of the second schedule hereto annexed as triable by the Court of Session, on condition of his or their making a full, true and complete disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

Magistrate may tender pardon to accomplice.

If any person accepts a tender of pardon under this section, he shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, may, if the Magistrate or other officer as aforesaid thinks proper, be detained in custody pending the termination of the trial.

**210.** The High Court as a Court of reference in cases tried with the High Court or Court of Session may direct the Magistrate of Session, after committing the case to the Court of Session, after commencing a trial, with a view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to such offence, instruct the Magistrate to tender a pardon to such persons on the same condition to such persons:

High Court or Court of Session may direct the Magistrate of Session, after committing the case to the Court of Session, after commencing a trial, with a view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to such offence, instruct the Magistrate to tender a pardon to such persons on the same condition to such persons:



The Court of Session in like manner and on the same condition may, at any time during a trial, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, tender a pardon to such person or persons.

**211.** When a pardon has been tendered under

When High Court or Court of Session may direct the commitment of a person to whom a pardon may have been tendered.

section 209 or section 210, if it appears to the Magistrate before the committal or to the Court of Session at the time of trial, or to the High Court as a Court

of reference, that any person who has accepted an offer of pardon has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information, such Magistrate or Court may commit or direct the commitment of such person for trial for the offence in respect of which the pardon was so tendered.

**221.** The powers given by sections 219 and

In what cases the powers given by sections 199, 220 may be exercised.

220 may be exercised by every Criminal Court in every case in which a personal recognizance or bail

has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail :

Provided that the Magistrate or Court may at its discretion remit any portion of the penalty mentioned in the personal recognizance or the recognizance of the surety or sureties, and enforce payment in part only :

All orders passed by any Magistrate under this section or sections 219 or 220 shall be subject to revision by the Magistrate of the District.

**222.** Every warrant for the commitment of a

Warrant of commitment how to be directed.

person to custody shall be in writing and signed and sealed by the Judge or Magistrate who issues it, and shall be directed to some

Jailor, or other officer or person having authority to receive and keep prisoners, and shall be in the form (C) given in the appendix to the said Code and to the like effect.

**226 A.** When from the evidence given before a

When accused appears to have been insane.

Magistrate, there appears to be sufficient ground for believing that the accused per-

son committed an act which if he had been of sound mind would have been an offence triable exclusively by the Court of Session, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, he shall be sent for trial by the Magistrate before the Court of Session :

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, the person shall be sent for trial before the High Court.

**248.** When a complaint is made before a

Cases in which Magistrate may issue a warrant.

Magistrate having jurisdiction in the case, that any person has committed, or is suspected to have committed, any offence triable by such Magistrate and punishable with imprisonment for a period exceeding six months, such Magistrate may issue his warrant to arrest such person :

Provided that in any such case the Magistrate

Summons instead of warrant.

to whom the complaint is made may, for any sufficient reason, instead of issuing his warrant in the first instance, issue his summons, requiring the person complained against to appear to answer to such complaint.

**249.** The provisions of sections 180 to 206

Issue of process, &c. (both inclusive) and of sections 212 to 221 (both inclusive) and of section 224 shall be applicable to cases tried under this chapter :

On completing the examination of a witness under this section, the Magistrate, in addition to the memorandum required by section 199, shall record such remarks as he may think material respecting the demeanour of any witness while under examination.

**257.** When a complaint is made before a

Cases in which summons shall issue.

Magistrate having jurisdiction in the case, that any person has committed or is suspected to have committed any offence triable by such Magistrate and punishable with fine only, or with imprisonment for period not exceeding six months, the Magistrate may issue his summons directed to such person, requiring him to appear at a certain time and place before such Magistrate to answer to the complaint :

Provided that, if the Magistrate is satisfied or has reason to believe that the accused person is about to abscond, he may, instead of issuing a summons, issue his warrant in the first instance for the arrest of such person.

**262 A.** The Magistrate may examine the ac-

Examination of accused.

cused person subject to the provisions of sections 202, 203, 204 and 205.

**270.** Whenever the Magistrate dismisses the

Compensation in cases of frivolous or vexatious complaints.

complaint as frivolous or vexatious, he may in his discretion, by his order of

dismissal, award that the complainant shall pay to the accused person such compensation, not exceeding fifty rupees, as to such Magistrate seems just and reasonable :

In such cases, if more persons than one are accused, the Magistrate may in like manner award compensation not exceeding fifty rupees to each of them :

The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may

Recovery of such compensation.

be found within the jurisdiction of the Magistrate of the District, and in default of such distress, by imprisonment of the complainant in the civil jail, for any time not exceeding thirty days, unless such sum shall be sooner paid.

**276.** If, in the course of a trial before a Subordinate Magistrate, the evidence appears to him to be beyond his jurisdiction, he shall stay proceedings and submit the case to the Magistrate to whom he is subordinate, or to such other Magistrate having jurisdiction as the Magistrate of the District may direct:

The Magistrate to whom the case is submitted shall either try the case himself or refer it to any officer subordinate to him having jurisdiction, or he may commit the accused person for trial:

In any such case, such Magistrate or other officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court:

But any statement or confession duly made by an accused person in the course of the trial before the Subordinate Magistrate shall be admissible as evidence.

**280.** Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such charge before any Court of Session or the Magistrate of the District or a Magistrate in charge of a division of a District or other officer exercising the powers of a Magistrate,

and the Court or Magistrate or other officer as aforesaid by which or by whom the accused person is convicted, or the Court or Magistrate or other officer as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate or other officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session:

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance shall commence when he is released.

When any accused person is convicted of any offence specified in this section by an officer not exercising the powers of a Magistrate, such officer, if he consider it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the Dis-

trict, or other officer exercising the powers of a Magistrate to whom such officer may be subordinate, who shall deal with the case as if the conviction had been before himself.

**308.** Whenever the Magistrate of a District or of a division of a district considers that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal or consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public—

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation,

or to stop the construction of such building,

or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well

(as the case may be),

or to appear before himself or some other officer exercising the powers of a Magistrate or of a Subordinate Magistrate of the First Class within the time mentioned in the order, and show cause why such order should not be enforced.

**310.** The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he is required by the order to appear to show cause aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

On receiving such application, the Magistrate shall forthwith appoint a jury consisting of an odd number of persons not less than five, of whom the Magistrate shall nominate half of the remaining members shall be nominated by such Magistrate, and the other half by the applicant:



The execution of the order shall be suspended pending such enquiry, and the Magistrate who issued the order shall be guided by the decision of the jury, which shall be according to the opinion of the majority:

If the applicant, by neglect or otherwise, prevents the appointment of a jury, or if from any cause the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate:

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect as hereinafter provided.

**311.** If the person to whom the order mentioned in section 308 is issued does not obey such order,

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid.

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

**312.** If in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper, the Magistrate who issued the order shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed in the notice and an intimation that, in case of disobedience, he will be liable to the penalty provided by section 188 of Indian Penal Code.

If such latter order is not obeyed, the Magistrate may proceed as in section 311.

**313.** If the person to whom the order of the Magistrate is issued appears and shows cause against it, so as to satisfy the Magistrate who issued it that it is not reasonable and proper, no further proceedings shall be taken in the case.

**314.** If, pending the enquiry by a jury, the Magistrate that issued the order considers that immediate measures are necessary to be taken to prevent imminent danger or injury

of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section 308 as is required to obviate or prevent such danger or injury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

**322.** The Local Government may order that the trial of all offences or of any particular class of offences before any Court of Session shall be by jury in any District, and such Local Government may from time to time revoke or alter such order.

The Local Government may also, if it see fit, direct that, in any district or in any class of offences, the jurors shall, before the trial, be sworn in such form as the Government may prescribe.

Orders passed under this section shall be published in the Government Gazette, and in such other manner as the Local Government shall from time to time direct.

**331.** The Collector or other officer as aforesaid shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment to serve as a juror or as an assessor, or who may avail himself of the exemption from service given by section 335, and insert the name of any person omitted from the list whom he deems qualified for such service.

A copy of the revised list shall be signed by the Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Collector or other officer as aforesaid in preparing and revising the list shall be final.

**363.** If the accused person refuses to plead, or claims to be tried, the Court shall proceed to choose jurors or select assessors and to try the case.

**371.** The declaration of a deceased person, whether it be reduced to writing or not and whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

**372.** When the case for the prosecution has been brought to a close, the Court may, if it considers that there are no grounds for proceeding with the

trial, record a judgment of acquittal; otherwise the accused person shall be called upon to enter upon his defence, and to produce his evidence.

**373.** The Court, at the close of the case for the prosecution, and at the close of the evidence on behalf of the accused person (if he produces any evidence), may put any questions to the accused person which it may think proper.

It shall be in the option of the accused person to answer such questions, and after such questions shall have been answered by the accused person, he or his counsel or agent may address the Court on the subject thereof.

The provisions of section 204 shall apply to examinations under this section.

**374.** The accused person or his counsel or agent may, at his option, address the Court at the close of the case for the prosecution, or at the close of any evidence that may be adduced on his behalf.

**376.** If any evidence is adduced, on behalf of the accused person, or if he answers any question put to him by the Court, the prosecutor, or the counsel or agent for the prosecution, shall be entitled to a reply.

**379A.** In trials before a Court of Session when more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the Government pleader or other officer conducting the prosecution may with the consent of the Court withdraw, or the Court of its own accord may suspend, the enquiry into the remaining charge or charges.

**380A.** The rules contained in sections 367, 368, 369, 370 and 371, shall be applicable to all trials and enquiries before Criminal Courts.

**383.** In cases referred by the Court of Session for the confirmation of a sentence by the High Court, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order under the seal of the High Court, and attested with his official signature, to the Court of Session.

Such Court shall, if the sentence be confirmed, immediately issue a warrant to the officer in charge of the jail in which the prisoner is confined to cause the sentence or order to be carried into execution; or in the case of any other order, shall cause such order to be carried into effect.

**384.** In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence to the Magistrate of the District in which the trial was held.

If the accused person is sentenced to imprisonment, the Court shall forthwith forward him with a warrant for the execution of the sentence to the officer in charge of the jail of the District in which the trial was held.

The warrant shall state the offence of which the accused person has been convicted and the period during which he is to be imprisoned and the nature of the imprisonment.

In cases tried by any Court inferior to a Court of Session, the Court passing the sentence shall forthwith forward the accused person with a similar warrant for the execution of the sentence to the officer in charge of the jail of the District in which the trial was held.

**385.** Upon the receipt of a warrant under section 383 or 384, the officer in charge of the jail shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

**395. Clause 1.**—When any person is confined under the provisions of section 390 or section 394, the officer in charge of the jail, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every three months by such officer in charge of the jail or by two of such visitors as aforesaid, who shall make a special report to the Local Government as to his state of mind.

**Clause 2.**—If such person is confined under section 390, and such officer or visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session shall appoint; and such Magistrate or Court shall deal with such person under the provisions of section 392, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

**Clause 3.**—If, such person is confined under the provisions of section 394, and such officer or visitors as aforesaid shall certify that in his or their judgment he may be discharged without danger of his doing injury to himself or to any other person, the Local Government shall thereupon either order his discharge or order him to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and shall appoint a commission consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one. The said commission shall make an enquiry into the state of mind of



which person, taking such evidence as shall be necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

406. Whenever a case is revised by the High Court under this chapter, it shall certify its decision or order to the Court in which the conviction was had or by which the order was passed; or if the conviction or order was passed by a Magistrate, other than the Magistrate of the District, to the Magistrate of the District.

The Court or Magistrate to which the High Court certifies its order shall thereupon make such orders as are conformable to the decision of the High Court, and if necessary the record shall be amended in accordance therewith:

Provided that, in any case revised by the High Court under this chapter, the High Court shall not reverse the verdict of the jury, or, except as provided in this chapter, alter or reverse the sentence or order of the Court below.

409. Any person convicted on a trial held by the Magistrate of the District or other officer exercising the powers of a Magistrate, or required by such Magistrate or other officer under section 295 or section 296 to give security for good behaviour, may appeal to the Court of Session of the District.

413. Any person convicted by any Civil, Criminal or Revenue Court under chapter X of this Act may appeal to the Court to which decrees or orders made in such Court are ordinarily appealable, subject to the rules provided in sections 416, 417, 418, 419, 420, 421 and 422.

Petitions of appeal under this section, if presented to any District Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days calculated as last aforesaid.

An appeal may be admitted after the time herein provided on sufficient cause shown.

415. Petitions of appeal to any Appellate Court, except the High Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days calculated as above.

An appeal may be admitted after the time herein provided on sufficient cause shown.

421. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be

in confinement for an offence which is bailable, may order that he be released on bail; and the High Court may exercise the same authority in cases coming before it as a Court of revision.

422. In any case in which an appeal has been allowed, the Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the appellant to be necessary, may direct such enquiry to be made and additional evidence to be taken.

The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and the Appellate Court shall thereupon proceed to dispose of the appeal in the manner prescribed by section 419.

Unless the Appellate Court otherwise direct the presence of the appellant may be dispensed with when the further enquiry is made or evidence taken.

The provisions of chapter XII relating to summoning and enforcing the attendance of witnesses and their examination shall, so far as may be, apply to witnesses examined under this section.

427. When any Court has convicted a person of an offence not triable by such Court, the Appellate Court may annul the conviction and sentence of such Court, and direct the trial of the case by a Court of competent jurisdiction.

432. Every person charged before any Criminal Court with an offence may of right be defended by any barrister or attorney of a High Court, or by any pleader duly qualified under the provisions of Act No. XX of 1865, or any other law in force for the time being relating to pleaders. Provided that any such person may with the permission of the Court (but not otherwise) employ any other person not being a barrister, attorney or pleader to assist him in his defence.

435. In the case of offences specified in the seventh column of the schedule to this Act annexed as triable by the Court of Session only or by the Court of Session or Magistrate of the District, the Court of Session may order the commitment of any accused person who may have been discharged by any Magistrate. In the case of such offences the Court of Session may order an enquiry into any complaint which any Magistrate may have dismissed without enquiry.

In the case of such offences the Magistrate of the District shall have like powers where the Magistrate who has discharged the accused person or dismissed the complaint without enquiry is a Subordinate Magistrate.

If the Court of Session consider that any person convicted by a Magistrate has committed

an offence not triable by such Magistrate, it may annul the conviction and sentence and direct the commitment of the accused person for trial before itself.

438. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General of India in Council, the Criminal Courts may order payment on the part of Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

440. A copy of the final sentence or order passed by any Criminal Court together with the reasons for passing or making the same shall be furnished without delay on the application of any party to the case in which such sentence or order was passed.

Such copy shall be made at the expense of the persons applying for it, unless he is in confinement under the sentence or order and is desirous of appealing against the same, or unless the Court for any special reason sees fit to grant such copy free of expense.

445A. When under the provisions of section 445 this Act has been or shall be extended to any part of the territories not

subject to the general Regulations of Bengal, Madras or Bombay, the Governor General in Council or the Local Government of such territory may invest the chief officer charged with the executive administration of a district in criminal matters, by whatever designation such officer is called, with power to try all offences not punishable with death, and under the provisions of the said Code to pass sentence of imprisonment of either description for a term not exceeding seven years, including such solitary confinement as is authorized by law, or fine, or both.

445B. Such chief officer shall try as a Court of Session offences which are triable by the Court of Session, and in such trials shall be guided by the rules contained in chapter XXV of this Code.

445C. Any person convicted on a trial by any officer invested with the power described in section 445A may appeal to the High Court, and appeal against such conviction shall lie to the Court of Sessions.

445D. When the High Court of reference, consisting of one Judge, of the territories to which this Code has been or shall be extended as aforesaid, consists of a single Judge, he shall have all the powers of two or more Judges of the said Court under sections 398 and 401.



# SCHEDULE

*Explanatory Notes.*—1st.—The entries in the 2nd and 6th columns of the schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the 1st column.

2nd.—The term "Whether bailable or not," in column 5, is to be taken in connection with the provisions of sections 212 and 213 of this Code.

3rd.—Offences may be tried by a Court superior to the Court specifically mentioned in column 7. For example, a Court of Session may try an offence entered in column 6 as triable by a Magistrate.

4th.—The words "Magistrate of the District," as used in column 7, shall include any officer exercising the powers of a Magistrate.

5th.—The words "any Magistrate," as used in column 7, shall include any Subordinate Magistrate of the 1st or 2nd class.

6th.—In the territories in British India to which the General Regulations of Bengal, Madras and Bombay do not extend, the powers given by this Act shall be exercised by such officers as the Local Government of those territories respectively shall appoint.

7th.—The last part of this schedule headed "Offences against other Laws" shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

## CHAPTER V—OF ABETMENT.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or a summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Ditto	Ditto	Ditto	Ditto	Ditto.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto	Ditto	Ditto	The same punishment as for the offence intended to be abetted.	Ditto.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto	Ditto	Ditto	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed	Ditto	Ditto	Ditto	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto	Ditto	Not bailable	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment	Ditto	Ditto	Ditto	Imprisonment of either description for 14 years and fine.	Ditto.

CHAPTER V—OF ABETMENT—(continued.)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	Imprisonment extending to $\frac{1}{2}$ part of the longest term, and of any description provided for the offence, or fine, or both.	By the Court by which the offence abetted is triable.
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Ditto	Ditto	Ditto	Imprisonment extending to $\frac{1}{2}$ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto	Ditto	Not bailable	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto	Ditto	According as the offence abetted is bailable or not.	Imprisonment extending to $\frac{1}{2}$ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto	Ditto	Not bailable	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed.	Ditto	Ditto	According as the offence abetted is bailable or not.	Imprisonment extending to $\frac{1}{2}$ part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto	Ditto	Ditto	Imprisonment extending to $\frac{1}{2}$ part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.



... provided for the offence, or fine, or both.

# CHAPTER VI—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant	...	Not bailable	...	Death, or transportation for life, and forfeiture of property.	Court of Session.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto	...	Ditto	...	Ditto	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto	...	Ditto	...	Ditto	Transportation for life and fine, or imprisonment of either description for 7 years, and fine, or fine.	Ditto.
126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for 7 years, and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto	...	Ditto	...	Ditto	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto	...	Ditto	...	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto	...	Ditto	...	Bailable	Simple imprisonment for 3 years, and fine.	Court of Session or Magistrate of the District.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto	...	Ditto	...	Not bailable	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

# CHAPTER VII—OFFENCES RELATING TO THE ARMY AND NAVY.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
131	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.	May arrest without warrant.	Warrant	Not bailable	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof	Ditto	Ditto	Ditto	Death or transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
134	Abetment of such assault, if the assault is committed	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier, or sailor	Ditto	Ditto	Bailable	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
136	Harbouring such an officer, soldier, or sailor who has deserted	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons	Ditto	Fine of 500 rupees	Ditto.
138	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant	Ditto	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto	Summons	Ditto	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

## CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.



144	Joining an unlawful assembly armed with any deadly weapon	...	Ditto	...	Warrant	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
147	Rioting	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
148	Rioting armed with a deadly weapon	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence	...	According as arrest may be made without warrant for the offence or not.	...	According as a warrant or summons may issue for the offence.	...	According as the offence is bailable or not.	...	The same as for the offence	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	...	May arrest without warrant.	...	According to the offence committed by the person hired, engaged, or employed.	...	Ditto	...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	...	Ditto	...	Summons	...	Bailable	...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	...	Ditto	...	Warrant	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed	...	Ditto	...	Summons	...	Ditto	...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	...	Shall not arrest without warrant.	...	Ditto	...	Ditto	...	Fine of 1,000 rupees.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
155	Person for whose benefit, or on whose behalf a riot takes place not using all lawful means to prevent it.	...	Ditto	...	Ditto	...	Ditto	...	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	...	May arrest without warrant.	...	Ditto	...	Ditto	...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(Continued.)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a war- rant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
158	Being hired to take part in an unlawful assembly or riot ... ..	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	Or to go armed... ..	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray ... ..	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto ...	Ditto ...	...	Ditto ... ..	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.



	Public servant making an incorrect document with intent to cause injury.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
168	Public servant unlawfully engaging in trade	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
169	Public servant unlawfully buying or bidding for property	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant	May arrest without warrant.	Warrant	...	Ditto	...	...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto	...	Summons	...	Ditto	...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

#### CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons	...	Bailable	...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.	
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the District, or Sub-ordinate Magistrate of 1st Class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(Continued.)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the District.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the information required respects the commission of an offence, &c. ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.



179	Being legally bound to state the truth, and refusing to answer questions ...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 3 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter X of this Code; or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
179	Being legally bound to state the truth, and refusing to answer questions ...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto	...	Warrant	...	Ditto	...	Imprisonment of either description for 3 years, or fine or both.	Court of Session, or Magistrate of the District.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto	...	Summons	...	Ditto	...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(Continued.)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Magistrate of the District, or Sub-ordinate Magistrate of 1st Class.
	If such disobedience causes danger to human life, health or safety, &c ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding ...	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	Giving or fabricating false evidence in any other case ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
	If innocent person be thereby convicted and executed ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto ...	Ditto ...	Ditto ...	The same as for the offence ... or both.	Ditto.

196	Using in a judicial proceeding evidence known to be false or fabricated ...	Ditto	...	Ditto	...	According as the offence of giving such evidence is bailable or not.	The same as for giving false evidence.	Ditto.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto	...	Ditto	...	Bailable	The same as for giving false evidence	Ditto.
198	Using as a true certificate one known to be false in a material point ...	Ditto	...	Ditto	...	Ditto	Ditto ... ..	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto	...	Ditto	...	Ditto	Ditto ... ..	Ditto.
200	Using as true any such declaration known to be false ... ..	Ditto	...	Ditto	...	Ditto	Ditto ... ..	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years, and fine.
	If punishable with transportation, or imprisonment for 10 years ... ..	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, and fine.
	If punishable with less than 10 years' imprisonment ... ..	Ditto	...	Ditto	...	Ditto	...	Imprisonment for $\frac{1}{2}$ of the longest term, and of the description provided for the offence, or fine, or both.
								By the Magistrate of the District or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto	...	Summons	...	Ditto	...	Imprisonment of either description for 6 months, or fine, or both.
203	Giving false information respecting an offence committed ... ..	Ditto	...	Warrant	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto	...	Ditto	...	Ditto	...	Ditto ... ..
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	...	Ditto	...	Ditto	...	Ditto ... ..



CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(Continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
188	False claim in a Court of Justice	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years and fine.	Ditto.
209	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
210	False charge of offence made with intent to injure	Ditto	Ditto	Ditto	Ditto	Ditto.
211	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Court of Session.
212	Harbouring an offender if the offence be capital	May arrest without warrant.	Ditto	Ditto	Imprisonment of either description for 5 years, and fine.	Ditto.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with imprisonment for 1 year, and not for 10 years	Ditto	Ditto	Ditto	Imprisonment for $\frac{1}{4}$ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If with imprisonment for less than 10 years	Ditto	Ditto	Ditto	Imprisonment for $\frac{1}{4}$ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.

	offender, if the offence be capital.						
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto	...	Ditto	...	Ditto	... Imprisonment of either description for 7 years, and fine.
	If with imprisonment for less than 10 years ... ..	Ditto	...	Ditto	...	Ditto	... Imprisonment for $\frac{1}{4}$ of the longest term, and of the description provided for the offence, or fine, or both.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto	...	Ditto	...	Ditto	... Imprisonment of either description for 2 years, or fine, or both.
216	Harbours an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.		Ditto	...	Ditto	... Imprisonment of either description for 7 years, and fine.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto	...	Ditto	...	Ditto	... Imprisonment of either description for 3 years, and fine.
	If with imprisonment for 1 year and not for 10 years . . . . .	Ditto	...	Ditto	...	Ditto	... Imprisonment for $\frac{1}{4}$ of the longest term, and of the description provided for the offence, or fine, or both.
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons	...	Ditto	...	... Imprisonment of either description for 2 years, or fine, or both.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto	...	Warrant	...	Ditto	... Imprisonment of either description for 3 years, or fine, or both.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto	...	Ditto	...	Ditto	... Imprisonment of either description for 7 years, or fine, or both.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto	...	Ditto	...	Ditto	... Ditto ... ..
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto	...	Ditto	...	Ditto	... Imprisonment of either description for 7 years, with or without fine.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(Continued.)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If punishable with transportation for life, or imprisonment for 10 years ...	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, with or without fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than 10 years ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, with or without fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	
	If under sentence of imprisonment for less than 10 years ...	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
223	If a public servant escapes from confinement negligently suffered by a public servant ...	Ditto ...	Summons ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
224	Resistance or obstruction by a person to his lawful apprehension ...	May arrest without warrant.		Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescue from lawful custody.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 3 years, with or without fine.	Court of Session or Magistrate of the District.
	If charged with a capital offence ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Court of Session.



	penal servitude, or imprisonment for 10 years						
	If under sentence of death ... ..	Ditto	Ditto	Ditto	...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
226	Unlawful return from transportation ... ..	Ditto	Ditto	Ditto	...	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Ditto.
227	Violation of condition of remission of punishment ... ..	Shall not arrest without warrant.	Summons	Ditto	...	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto	Ditto	Bailable	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions contained in Chapter X of this Code.
229	Personation of a juror or assessor ... ..	Ditto	Ditto	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

## CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeiting Coin.	May arrest without warrant.	Warrant	Not bailable	Imprisonment of either description for 7 years, and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
	If Queen's Coin ... ..	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(continued.)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
236	Abetting in India the counterfeiting out of British India of Coin ...	May arrest without warrant.	Warrant	Not bailable	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit Coin, knowing the same to be counterfeit	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
238	Import or export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
239	Having any counterfeit Coin known to be such when it came into posses- sion, and delivering, &c., the same to any person.	Ditto	Ditto	Ditto	Imprisonment of either description for 5 years, and fine.	Ditto.
240	The same with respect to the Queen's Coin ...	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin counterfeited, or both.	Magistrate of the District, or Subor- dinate Magistrate of 1st Class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Court of Session.
	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto	Ditto	Ditto	Ditto	Ditto.
245	Unlawfully taking from a Mint any coining instrument	Ditto	Ditto	Ditto	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.





CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(Continued.)

1 Section.	2 Offence.	3 Whether the Police may arrest with- out warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
263	Erasure of mark denoting that stamp has been used ...	May arrest with- out warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.

CHAPTER XIII—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing ...	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subor- dinate Magistrate of 1st Class.
	Fraudulent use of false weight or measure ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
	Being in possession of false weights or measures for fraudulent use ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
267	Making or selling false weights or measures for fraudulent use ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.

CHAPTER XIV—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District, or Sub- ordinate Magistrate of 1st Class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session or Magistrate of the District.
271	Disobeying any quarantine rule ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session or Magistrate of the District.

	State displaying any quarantine rule					Imprisonment of either description for 3 months and fine.	Court of Session Magistrate.		
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto	...	Ditto	...	Ditto	Ditto.		
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto	...	Ditto	...	Ditto	Ditto.		
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto	...	Ditto	...	Ditto	Ditto.		
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto	...	Ditto	...	Ditto	Ditto.		
277	Defiling the water of a public spring or reservoir ... ..	May arrest without warrant.	Ditto	...	Ditto	...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.	
278	Making atmosphere noxious to health... ..	Shall not arrest without warrant.	Ditto	...	Ditto	...	Fine of 500 rupees	Ditto.	
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Ditto	...	Ditto	...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.	
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto	...	Ditto	...	Ditto	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.	
281	Exhibition of a false light, mark, or buoy ... ..	Ditto	...	Warrant	...	Ditto	...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto	...	Summons	...	Ditto	...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto	...	Ditto	...	Ditto	...	Fine of 200 rupees	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c. ...	Shall not arrest without warrant.	Ditto	...	Ditto	...	...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto	...	Ditto	...	...	Ditto	Any Magistrate.

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CHAPTER XIV—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS—(Continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
286	So dealing with any explosive substance ... ..	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
287	So dealing with any machinery ... ..	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ... ..	Magistrate of the District, or Subordinate Magistrate of 1st Class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto* ...	Ditto ...	Ditto ... ..	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ... ..	Any Magistrate.
	Committing a public nuisance ... ..	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of 200 rupees ... ..	Ditto.
291	Continuance of nuisance after injunction to discontinue ... ..	May arrest without warrant.	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
292	Sale, &c., of obscene books, &c. ... ..	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition ... ..	Ditto ...	Ditto ...	Ditto ...	Ditto ... ..	Ditto.
294	Obscene songs ... ..	Ditto ...	Ditto ...	Ditto ...	Ditto ... ..	Ditto.



295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Sammons	...	Bailable	...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
296	Causing a disturbance to an assembly engaged in religious worship	Ditto	Ditto	...	Ditto	...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto	Ditto	...	Ditto	...	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Shall not arrest without warrant.	Ditto	...	Ditto	...	Ditto	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY.

*Offences affecting life.*

302	Murder	May arrest without warrant.	Warrant	...	Not bailable	...	Death, transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto	Ditto	...	Ditto	...	Death	Ditto.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto	Ditto	...	Ditto	...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto	Ditto	...	Ditto	...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto	Ditto	...	Ditto	...	Death, or transportation for life, or imprisonment for 10 years, and fine.	Ditto.
306	Abetting the commission of suicide...	Ditto	Ditto	...	Ditto	...	Imprisonment of either description for 10 years, and fine.	Ditto.
307	Attempt to murder	Ditto	Ditto	...	Ditto	...	Ditto	Ditto.
	If such act cause hurt to any person	Ditto	Ditto	...	Ditto	...	Transportation for life, or as above	Ditto.
308	Attempt to commit culpable homicide	Ditto	Ditto	...	Bailable	...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.

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CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(Continued).

*Offences affecting life—(Continued.)*

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If such act cause hurt to any person ... ..	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
309	Attempt to commit suicide ... ..	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, and fine.	Magistrate of the District.
311	Being a thug ... ..	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, and fine.	Court of Session.

*Of the causing of Miscarriage ; of injuries to unborn children ; of the exposure of infants ; and of the concealment of births.*

312	Causing miscarriage ... ..	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child ... ..	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
313	Causing miscarriage without woman's consent ... ..	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage ... ..	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
	If act done without woman's consent ... ..	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
317	Exposure of a child under 12 years by parent or person having care of it of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.

*Of Hurt.*

323	Voluntarily causing hurt ... ..	Shall not arrest without warrant.	Summons	Bailable	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means ...	May arrest without warrant.	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
325	Voluntarily causing grievous hurt ... ..	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means ...	Ditto	Ditto	Not bailable	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto	Warrant	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto.
328	Administering stupefying drug with intent to cause hurt ... ..	Ditto	Ditto	Ditto	Ditto	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto	Ditto	Bailable	Imprisonment of either description for 7 years, and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto	Ditto	Not bailable	Imprisonment of either description for 10 years, and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty ... ..	Ditto	Ditto	Bailable	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto	Ditto	Not bailable	Imprisonment of either description for 10 years, and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto	Summons	Bailable	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.



CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(Continued).

*Of Hurt—(Continued).*

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons	Bailable	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, or Magistrate of the District.
336	Doing any act which endangers human life or the personal safety of others	Ditto	Ditto	Ditto	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c. ...	Ditto	Ditto	Ditto	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
338	Causing grievous hurt by an act which endangers human life, &c. ...	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.

*Of wrongful Restraint and wrongful Confinement.*

341	Wrongfully restraining any person ...	May arrest without warrant.	Summons	Bailable	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
342	Wrongfully confining any person ...	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
343	Wrongfully confining for three or more days ...	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days ... if wholly abandoned it.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.

346	Wrongful confinement in secret ... ..	May arrest without warrant.	Ditto	...	Ditto	...	any other section.	Ditto
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto	Ditto	...	Ditto	...	Ditto	Ditto.
<i>Of Criminal Force and Assault.</i>								
352	Assault or use of criminal force otherwise than on grave provocation	Shall not arrest without warrant.	Summons	...	Bailable	...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto	Ditto	...	Ditto	...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons	...	Ditto	...	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant	...	Not bailable	...	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto	Ditto	...	Bailable	...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons	...	Ditto	...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
<i>Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.</i>								
363	Kidnapping ... ..	May arrest without warrant	Warrant	...	Not bailable	...	Imprisonment of either description for 7 years, and fine.	Court of Session.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(Continued.)

*Of Kidnapping, Forcible Abduction, Slavery, and forced Labour—(Continued.)*

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
364	Kidnapping or abducting in order to murder ... ..	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ... ..	Ditto.
368	Concealing or keeping in confinement a kidnapped person ... ..	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction ...	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
370	Buying or disposing of any person as a slave ... ..	Shall not arrest without warrant.	Ditto ...	Bailable ...	Ditto ... ..	Ditto.
371	Habitual dealing in slaves ... ..	May arrest without warrant.	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution ... ..	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
373	Buying or obtaining possession of a minor for the same purpose ... ..	Ditto ...	Ditto ...	Ditto ...	Ditto ... ..	Ditto.
374	Unlawful compulsory labour ... ..	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 1	Any Magistrate.



376	Rape ... ..	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
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*Of Unnatural Offences.*

377	Unnatural offences ... ..	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
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CHAPTER XVII—OF OFFENCES AGAINST PROPERTY.

*Of Theft.*

379	Theft ... ..	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent, or vessel... ..	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer...	Ditto ...	Ditto ...	Ditto ...	Ditto ... ..	Court of Session, or Magistrate of the District.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years, and fine.	Court of Session.

*Of Extortion.*

384	Extortion ... ..	Shall not arrest without warrant ...	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY—(Continued.)

*Of Extortion—(Continued.)*

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
386	Extortion by putting a person in fear of death or grievous hurt ... ..	Shall not arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 10 years, and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence threatened be an unnatural offence ... ..	Ditto ...	Ditto ...	Ditto ...	Transportation for life.	Ditto.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence be an unnatural offence... ..	Ditto ...	Ditto ...	Ditto ...	Transportation for life.	Ditto.

*Of Robbery and Dacoity.*

392	Robbery... ..	May arrest without warrant.	Warrant ...	Not bailable ...	Rigorous imprisonment for 10 years, and fine.	Court of Session, or Magistrate of the District.
	If committed on the highway between sunset and sunrise ... ..	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 14 years, and fine.	Ditto.
393	Attempt to commit robbery ... ..	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years, and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
395	Dacoity ... ..	Ditto ...	Ditto ...			

396	Murder in dacoity ... ..	May arrest with- out warrant.	Warrant	...	Not bailable	...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	...
397	Robbery or dacoity with attempt to cause death or grievous hurt ...	Ditto	Ditto	...	Ditto	...	Rigorous imprisonment for not less than 7 years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon ...	Ditto	Ditto	...	Ditto	...	Ditto	Ditto.
399	Making preparation to commit dacoity ... ..	Ditto	Ditto	...	Ditto	...	Rigorous imprisonment for 10 years, and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto	Ditto	...	Ditto	...	Transportation for life, or as above	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto	Ditto	...	Ditto	...	Rigorous imprisonment for 7 years, and fine	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto	Ditto	...	Ditto	...	Ditto	Ditto.

*Of Criminal Misappropriation of Property.*

403	Dishonest misappropriation of moveable property or converting it to one's own use ... ..	Shall not arrest with- out warrant.	Warrant	...	Bailable	...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it. ... ..	Ditto	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If by clerk or person employed by deceased ... ..	Ditto	Ditto	...	Ditto	...	Imprisonment of either description for 7 years, and fine.	Ditto.

*Of Criminal Breach of Trust.*

406	Criminal breach of trust ... ..	May arrest without warrant.	Warrant	...	Not bailable	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Sub-ordinate Magistrate of 1st Class.
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